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Date: 24th November 2016

Dear Sir/Madam,

A meeting of the **Rights of Way Cabinet Committee** will be held in the on **Thursday, 1st December, 2016** at 2.00pm to consider the matters contained in the following agenda.

Prior to the meeting, site inspections will be convened at Ogilvie Terrace, Deri at 10.00 am, Warne Street, Fleur-de-Lis at 11.00 am, New Bryngwyn Road, Fields Park, Newbridge at 11.40 am and Windsor Avenue, Newbridge at 12.00pm. Members of the Committee have delegated powers to determine the applications and are under a duty to act in a quasi-judicial capacity. In order to discharge that duty, Members of the Committee must attend the site inspections and the meeting. **(Please note appropriate footwear will be required).**

Yours faithfully,

A handwritten signature in blue ink that reads 'Chris Burns'.

Chris Burns
INTERIM CHIEF EXECUTIVE

A G E N D A

- 1 To receive apologies for absence.
- 2 Declarations of Interest.

Pages

Councillors and Officers are reminded of their personal responsibility to declare any personal and/or prejudicial interest(s) in respect of any item of business on this agenda in accordance

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with the Local Government Act 2000, the Council's Constitution and the Code of Conduct for both Councillors and Officers.

To receive and consider the following reports: -

- 3 Application for a Modification Order to Vary the Monmouthshire County Council Definitive Map and Statement of Public Rights of Way in respect of the status of the path (Restricted Byway 367 in the Community of Abercarn) and Diversion of a section of the Right of Way.
1 - 10
- 4 Application for a Modification Order to Amend the Mid Glamorgan County Council Definitive Map and Statement of Public Rights of Way in respect of Adding a Path in the Community of Gelligaer.
11 - 314
- 5 Application for a Modification Order to Amend the Monmouthshire County Council Definitive Map and Statement of Public Rights of Way in respect of Adding a Path in the Community of Bedwellty.
315 - 444
- 6 Application for a Modification Order to Amend the Monmouthshire County Council Definitive Map and Statement of Public Rights of Way in respect of Adding a Path in the Community of Abercarn.
445 - 526
- 7 Application for a Modification Order to Amend the Monmouthshire County Council Definitive Map and Statement of Public Rights of Way in respect of Adding a Path in the Community of Abercarn.
527 - 570

Circulation:

Councillors K. James (Chair), Mrs B. A. Jones, D.V. Poole, T.J. Williams (Vice Chair) and R. Woodyatt,

Local Ward Members L. Ackerman, Mrs K.R. Baker, K. Dawson, D.T. Hardacre and G. Johnston

And Appropriate Officers



RIGHTS OF WAY CABINET – 1ST DECEMBER 2016

SUBJECT: APPLICATION FOR A MODIFICATION ORDER TO VARY THE MONMOUTHSHIRE COUNTY COUNCIL DEFINITIVE MAP AND STATEMENT OF PUBLIC RIGHTS OF WAY IN RESPECT OF THE STATUS OF THE PATH (RESTRICTED BYWAY 367 IN THE COMMUNITY OF ABERCARN) AND DIVERSION OF A SECTION OF THE RIGHT OF WAY

REPORT BY: INTERIM CHIEF EXECUTIVE

1. PURPOSE OF REPORT

- 1.1 To confirm a correction to the Minutes of the Rights of Way Cabinet Meeting held on the 15th September 2014, when a report on the above was considered.

2. SUMMARY

- 2.1 The report set outs details of a correction to the Minutes of the Rights of Way Cabinet which needs to be addressed.
- 2.2 Following confirmation of the Minutes as a true record it was noted that a correction was required to the Minutes as Recommendation 9(i) had been omitted and an incorrect Section of the Highways Act 1980 had been quoted.
- 2.3 The Rights of Way Cabinet Committee has not met for some time which is the reason the Minutes have been unable to be corrected earlier.
- 2.4 A Modification Order has been produced to change the status of Restricted Byway 367 in the Community of Abercarn to a Footpath. Following the advertising of the Modification Order objections were received to the Order and as the objectors would not withdraw their objections the Order was sent to the Welsh Ministers to determine. The Planning Inspectorate has arranged for the Modification Order to be considered by a Planning Inspector at a Public Inquiry on the 7th February 2017.

3. LINKS TO STRATEGY

- 3.1 The Well-being of Future Generations (Wales) Act became law in April 2015. The Act is about improving the social, economic, environmental and cultural well-being of Wales. It requires the Authority to closely consider the long term aim to work better with people and communities and each other, look to prevent problems and take a more joined-up approach in our actions.
- 3.2 Links can be made to all seven of the Well Being Goals however of these four are probably relevant, these being:-

- A resilient Wales
- A healthier Wales
- A Wales of cohesive communities
- A globally responsible Wales

Links can be made to include the other three Well Being Goals within the Rights of Way improvement Plan and the Countryside Strategy:-

- A prosperous Wales
- A more equal Wales
- A Wales of vibrant culture and thriving Welsh language:-

In addition to the Well Being of Future Generations Act the Rights of Way network has significant links to a wide range of other Acts and Strategies notably the Countryside and Rights of Way Act 2000, the Countryside Rights of Way improvement Plan (2007), the Caerphilly Countryside Strategy and emerging Caerphilly Active Travel Plan. The network and usage of the network has links to various social, economic and environmental strategies.

4. THE REPORT

- 4.1 A copy of the Minutes of the Rights of Way Cabinet held on 15th September, 2014 are attached as Document No. 1.
- 4.2 Members were asked to consider two matters concerning the application. The first was whether the status of the right of way should be reclassified as a footpath (as per Para 3.1 (i) of the report) and secondly, whether the route should be diverted.
- 4.3 Although Members agreed to the following recommendation in 9 (i) of the report:-
- (i) Supporting the application as made that the status of the Definitive Map and Statement should be varied to change it from a Restricted Byway to a Footpath
- this was not included in the minutes.
- 4.4 It has been noted that the report contained a further error in that it refers to Section 118 of the Highways Act 1980, which is a stopping of the right of way, but should read refer to Section 119 for diversion of a right of way.
- 4.5 Members resolved to agree to the recommendation 9.1 (iii) and this was included in the minutes. However, as the Members supported the application to vary the status of the Restricted Byway to a Footpath the width of the alternative right of way or path should be 1.8 metres not 3 metres.
- 4.6 To deal with the foregoing errors it is recommended that the minutes are corrected to record that Members resolve to agree 9 (i) of the report and that the following be approved as a change to the report:-
- (i) Approve the diversion of the right of way as shown in Document No. 15 which will be processed under Section 119 of the Highways Act 1980 in accordance with the following descriptions:-

and that in the description of the alternative way or path that the reference to 3 metres if restricted byway should be deleted.

5. WELL-BEING OF FUTURE GENERATIONS

5.1 This report contributes to the Well Being Goals as set out in Section 3 earlier.

5.2 The Act not only identifies goals but advocates five ways of working to ensure that the objectives and sustainability are met and this report has been prepared with that in mind.

5.3 Whilst the Public Rights of Way network contributes to all seven Well Being Goals in part the most pertinent four are:-

1. A Resilient Wales

The network extends to over 500 miles and many of these routes have been in place prior to the use of motor vehicles. As such they are often the easiest and most direct routes of access between points. This encourages their use and has benefits in addressing long term issues including health, climate change and poverty all of which assist in making an adaptable but resilient county borough.

2. A Healthier Wales

Usage of the network, be it for recreation or daily business has significant benefits for a physical and mental health and helps address a number of significant health concerns within the county borough notably obesity, cardio vascular and diabetes which are probably problematic in CCBC. Usage of the network is increasing year on year.

3. A Wales of Cohesive Communities

The network links communities and facilities with each other and is usable by the vast majority of residents. A comprehensive and integrated network provides a fully functional and usable access system that benefits all and allows communities to function both directly e.g. ability to access services and individually e.g. through helping prevent or overcome underlying problems such as health and sustainable transport.

4. A Globally Responsible Wales

The carbon impact of the rights of way network is minimal and promotes sustainable transport on a number of counts. Increased local usage has a global effect in terms of slowing climate change and its impacts.

5.4 The provision of access helps meet both short and longer term needs and objectives without prejudicing the viability of the network for future generations. Rights of Way and access are fundamental to the daily life of most people and as such the network integrates and is necessary to meet many objectives of the Authority. The designation process, for rights of way, has involved extensive consultation with communities, groups and individuals and collaboration takes place with other interested parties in terms of the management and maintenance of the network. Formal consultation forms part of these processes, including this report.

6. EQUALITIES IMPLICATIONS

6.1 An Equalities Impact Assessment is not needed because the issues covered are for information purposes only, therefore the Council's full EIA process does not need to be applied.

7. FINANCIAL IMPLICATIONS

- 7.1 There are no financial implications in respect of correcting the minutes of the Rights of Way Cabinet Meeting held on 15th September, 2016.

8. PERSONNEL IMPLICATIONS

- 8.1 None.

9. CONSULTATIONS

- 9.1 See list of Consultees.

10. RECOMMENDATIONS

- 10.1 It is recommended that the errors in the Minutes of the Rights of Way Cabinet held on the 15th September, 2014, be amended to correctly record the resolutions made by Members at that meeting as follows:-

- i) Supporting the application as made that the status of the Definitive Map and Statement should be varied to change it from a Restricted Byway to a Footpath and
- iii) Approve the diversion of the right of way as shown in Document No. 15 which will be processed under Section 119 of the Highways Act 1980 in accordance with the following descriptions:-

Description of a section of the existing path or way to be diverted:-

From the junction with Pant-y-resk Road this path goes N. along a footpath and passes at the farm and the road is then a cartroad up the junction with the road leading to Ty-coedcae. (A-B)

Description of alternative path or way:-

A new path commences from the junction with Pant-y-resk Road the path goes north west and then bears in a north easterly direction to reach the junction with the road leading to Ty-coedcae (C-B). A total distance of 345 metres

The width of the alternative path or way to be consistent with the status agreed by members i.e. 1.8 metres - footpath (as it is hedged on one side and fenced on the other).

11. REASONS FOR THE RECOMMENDATIONS

- 11.1 To correct the errors in the minutes of the meeting of the 15th September 2014.
- 11.2 To comply with its duty to keep the definitive map and statement under continuous review.

12. STATUTORY POWER

- 12.1 Section 53 of the Wildlife and Countryside Act 1981. Section 119 of the Highways Act 1980. This is a Cabinet function delegated to this Committee.

Author: Mrs June E. Piper, CROW Support Officer
Consultees: Mr. Tim Stephens, Development Control Manager.
Mr. Phil Griffiths, Manager, Countryside and Landscape Services.
Mrs Gail Williams, Monitoring Officer/Principal Solicitor.

List of Documents:

1. Copy of Minutes of the Rights of Way Cabinet held on the 15th September, 2016.

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RIGHTS OF WAY CABINET COMMITTEE

MINUTES OF THE RECONVENED MEETING HELD AT PENALLTA HOUSE, TREDOMEN, ON MONDAY, 15TH SEPTEMBER 2014 AT 2.00 P.M.

PRESENT:

Councillor K. James - Chairman

Councillors:

D.V. Poole (Cabinet Member for Community and Leisure Services), Mrs B. Jones (Deputy Leader and Cabinet Member for Corporate Services).

Together with:

P. Elliott (Head of Regeneration and Planning), P. Griffiths (Principal Planner), A. Powell (Countryside Access and Rights of Way Officer), J. Piper (CROW Support Officer), R. Crane (Senior Solicitor), H. Lewis (Legal Assistant), S.M. Kauczok (Committee Services Officer).

1. APOLOGIES FOR ABSENCE

Apologies for absence had been received from Councillors T.J. Williams (Highways, Transportation and Engineering) and R. Woodyatt (Social Services).

2. DECLARATIONS OF INTEREST

Councillor Mrs B. Jones declared an interest in agenda item 5 - Application for a Modification Order to amend the Monmouthshire County Council Definitive Map and Statement of Public Rights of Way in respect of deleting Footpath 147 in the Community of Mynyddislwyn. Consequently, consideration of this item was deferred to a date and time to be agreed as there were only two Members of the Committee remaining who were able to vote on this matter.

Mrs. J. Piper, CROW Support Officer, declared an interest in agenda item 4 as she had provided evidence of use of both bridleways.

3. APPLICATION FOR A MODIFICATION ORDER TO VARY THE MONMOUTHSHIRE COUNTY COUNCIL DEFINITIVE MAP AND STATEMENT OF PUBLIC RIGHTS OF WAY IN RESPECT OF THE STATUS OF A PATH IN THE COMMUNITY OF ABERCARN AND DIVERSION OF A SECTION OF THE RIGHT OF WAY

Members were asked to consider and determine an application to vary the status of Restricted Byway 367 in the Community of Abercarn shown on the Definitive Map and Statement and also to consider the diversion of a section of the right of way through Cefn Pennar Farm. Prior to the meeting Members and Officers met on site to view and walk the route of the paths.

Following complaints from a local Rambler and members of the Islwyn Ramblers Society that the public rights of way was not available for use, several meetings have taken place and correspondence has been ongoing, to try and resolve the situation. The report sets out the evidence that the status of the public right of way has been shown as a cart road footpath for the whole of its length whereas it is only available as a footpath for a section of it. The Natural Environment and Rural Communities Act 2006 reclassified all cart road footpaths and cart road bridleways to restricted by-ways. The Committee was asked to decide on the evidence provided whether or not the status of the public right of way should be varied to that of a footpath on the Definitive Map and Statement and whether they supported the application to divert the section of right of way at Cefn Pennar Farm.

Two landowners own the land over which the public right of way crosses. Mr. G. Roberts of Pant-y-Resk Farm and Dr. A. McGregor of Cefn Pennar Farm. Dr. McGregor addressed the Committee in support of her application to divert the public right of way crossing her land away from her property. She confirmed that she had not been aware of any public rights of way over the ground when she purchased the property and had never seen anyone using the route. In addition, she had not been informed of the existence of a public right of way when an extension had been built to the side of the house. Dr. McGregor circulated copies of Document 13, which formed part of the agenda and referred to the unsuitability of the track in certain places for horses and vehicles, as had been witnessed during the earlier site inspection. It would appear that an error had occurred by identifying the public right of way as a cart road footpath for the whole length when a section could not physically be used for same. Mr. G. Roberts endorsed Dr. McGregor's statement and declined the invitation to address the Committee.

Ms. M. Thomas, representing the Open Spaces Society, was then invited to address the Committee. Ms. Thomas outlined the reasons for the Society's opposition to the application, as set out in her letter dated 28th July 2014 attached to the report (Document No. 19). She felt that there was clear evidence that the route from Cefn Pennar Farm to Pant-y-Resk Road had been recorded inaccurately on the Definitive Map and that if the application was to seek a modification of this part of the way only, the Open Spaces Society would not oppose it. However, without being able to visit the site and make an informed decision, she felt that there was no option but to oppose the application. She sought assurances that the diverted right of way would be as accessible and commodious as the present line and in response to her concerns regarding obstructions on the right of way, Officers advised that this matter would be taken up with the landowner.

Following consideration and discussion, on the basis of the evidence and information submitted, it was moved and seconded that the recommendation at 9.1(iii) in the report be approved. By a show of hands this was unanimously agreed.

RESOLVED that the diversion of the right of way as shown in Document No. 15 which will be processed under Section 118 of the Highways Act 1980 be approved in accordance with the following descriptions:-

Description of a section of the existing path or way to be diverted:-

From the junction with Pant-y-Resk Road this path goes N. along a footpath and passes at the farm and the road is then a cart road up the junction with the road leading to Ty-Coedcae. (A-B)

Description of alternative path or way:-

A new path commences from the junction with Pant-y-Resk Road the path goes northwest and then bears in a northeasterly direction to reach the junction with the road leading to Ty-Coedcae (C-B). A total distance of 345 metres

The width of the alternative path or way to be consistent with the status agreed by members i.e. 1.8 metres if footpath (as it is hedged on one side and fenced on the other) and 3 metres if restricted byway.

4. 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

Members were asked to consider and determine two applications which had been received under Section 53(3)(iii) of the Wildlife and Countryside Act 1981 from Mr. J.E. Purnell, Caer'llwyn Bach, Ynysddu and Mr. C.G. Robinson, Caer'llwyn Mawr, Ynysddu to modify the Definitive Map and Statement by deleting two paths from Caer'llwyn Bach to Caer'llwyn Mawr. Prior to the meeting Members and Officers met on site to view and walk the route of the paths.

Research had 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.

The bridleways cross land owned by three separate landowners, two are the applicants in this case and the other an adjoining landowner. 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. As there were no objections received to their inclusion they were published as part of the Monmouthshire County Council's Definitive Map and Statement with a relevant date of 1st July 1952.

The information provided by both applicants and some of the evidence users indicates that they were not aware of the bridleways running from Caer'llwyn Bach Farm to Caer'llwyn 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 in the report as Document No. 13.

Following the officer's presentation of the report, the Chair invited Reverend Dylan Bate to address the Committee on behalf of Mr. and Mrs. Purnell of Caer'llwyn Bach Farm. Reverend Bate confirmed that neither Mr. or Mrs. Purnell remembered the bridleway being used and that air imagery analysis showed no evidence of use. In addition, egress from the stile would be dangerous for horse riders and reference was made to a letter from the Traffic Management Advisor, Gwent Police dated 8th August 2014 (Document No. 34) relating to the access and egress point onto Twyn Gwyn Road. It was also pointed out that the deletion of the right of way would be in the interests of crime prevention as Caer'llwyn Bach Farm had been broken into on a couple of occasions. Reverend Bate concluded that the extinguishment of the right of way would be a one off cost and would avoid future maintenance costs.

Ms. M. Thomas was then invited to present her case on behalf of the Open Spaces Society. During the course of her presentation Ms. Thomas reaffirmed that the Open Spaces Society opposed the extinguishment and deletion of the two bridleways. Having studied the report and the documentary evidence in detail she did not believe that there was any proof to show that the bridleways did not exist.

Following consideration and discussion, on the basis of the evidence and information submitted, it was moved and seconded that the recommendation at 9(ii) in the report be approved. By a show of hands this was unanimously agreed.

RESOLVED that the claim be rejected.

5. APPLICATION FOR A MODIFICATION ORDER TO AMEND THE MONMOUTHSHIRE COUNTY COUNCIL DEFINITIVE MAP AND STATEMENT OF PUBLIC RIGHTS OF WAY IN RESPECT OF DELETING FOOTPATH 147 IN THE COMMUNITY OF MYNYDDISLWYN

As there were only two Members of the Committee present who could determine this item in view of the declaration of interest made by Councillor Mrs. B. Jones, the item was deferred for consideration at a date and time to be agreed.

6. REVIEW OF THE PROCEDURE FOR APPLICATIONS UNDER THE WILDLIFE AND COUNTRYSIDE ACT 1981

The report sets out the way in which applications under the Wildlife and Countryside Act 1981 are currently dealt with and proposes a way forward.

Under the terms of the Wildlife and Countryside Act 1981 members of the public and landowners may make application to modify the Definitive Map of Public Rights of Way and/or Statement to add, delete or amend particulars contained therein. This process is called “a claim”. Once an application is submitted in the prescribed manner the Authority has a statutory duty to investigate it to its conclusion and agree whether or not the application is supported or rejected.

It was noted that there is a backlog of claims, some of which pre-date Local Government Reorganisation in 1996. Due to the complexity of some claims the time taken to investigate one claim and submit it to the Rights of Way Cabinet Committee for determination can take in the region of a year. However, this may be extended if either the applicant or the landowner challenges the decision, which could result in a Public Inquiry. The process for dealing with claim applications is set out in the report under paragraph 4.3. It was now considered appropriate to review the current procedure in view of complaints received by the Authority that recent applications are not being dealt with due to the current date order procedure.

Members' attention was drawn to Document 5 attached to the report, which identifies a process that is clear to understand and implement. It would appear to be less time consuming in terms of collating data to prioritise claims and would allow the Authority to deal with applications that have a positive impact on the network. It would also allow those applications, which appear to have little chance of succeeding, to be dealt with and closed and not added to the backlog of applications.

Following consideration and discussion, it was moved and seconded that the recommendation in the report be approved subject to any review being undertaken in consultation with the Cabinet Member for Regeneration, Planning and Sustainable Development. By a show of hands this was unanimously agreed.

RESOLVED that in future, applications under the Wildlife and Countryside Act 1981 be dealt with in line with the proposals contained in Document 5 attached to the report. A review will be undertaken whenever necessary in consultation with the Cabinet Member for Regeneration, Planning and Sustainable Development.

The meeting closed at 2.55 p.m.



RIGHTS OF WAY CABINET – 1ST DECEMBER 2016

SUBJECT: APPLICATION FOR A MODIFICATION ORDER TO AMEND THE MID GLAMORGAN COUNTY COUNCIL DEFINITIVE MAP AND STATEMENT OF PUBLIC RIGHTS OF WAY IN RESPECT OF ADDING A PATH IN THE COMMUNITY OF GELLIGAER

REPORT BY: INTERIM CHIEF EXECUTIVE

1. PURPOSE OF REPORT

- 1.1 To consider and determine an application to ADD a path to the Definitive Map and Statement in the Community of Gelligaer.

2. SUMMARY

- 2.1 The application is made under Section 53(3)(c)(i) of the Wildlife and Countryside Act 1981 which is the discovery of evidence which would suggest the right of way should be recorded. The application could have been made under Section 53(3)(b) which is based upon long use in excess of twenty years.

There is some overlap with these provisions as shown in the case of O’Keefe v Sec of State for Environment and Isle of Wight (1997) which confirmed that in considering an application under sub section 53 (3)(c)(i) an authority can also take into account the establishment of a right of way by long user. The difference is applying under the latter section however is that the evidence need only show that right of way is reasonably be alleged to exist, whereas under 53(3)(b) it must be proven that the right of way exists. If it can the order must be made.

- 2.2 The report sets out the evidence regarding an application to ADD a footpath from number 11 Ogilvie Terrace to rear lane at the rear of number 4 Ogilvie Terrace, Deri to the Definitive Map and Statement together with evidence from land owners disputing its existence.

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 The Rights of Way Improvement Act has committed the Council to keeping the definitive map and statement under continuous review.
- 3.3 The Well-being of Future Generations (Wales) Act became law in April 2015. The Act is about improving the social, economic, environmental and cultural well-being of Wales. It requires the Authority to closely consider the long term aim to work better with people and communities and each other, look to prevent problems and take a more joined-up approach in our actions.

3.4 Links can be made to all seven of the Well Being Goals however of these four are probably relevant, these being:-

- A resilient Wales
- A healthier Wales
- A Wales of cohesive communities
- A globally responsible Wales

Links can be made to include the other three Well Being Goals within the Rights of Way improvement Plan and the Countryside Strategy:-

- A prosperous Wales
- A more equal Wales
- A Wales of vibrant culture and thriving Welsh language:-

In addition to the Well Being of Future Generations Act the Rights of Way network has significant links to a wide range of other Acts and Strategies notably the Countryside and Rights of Way Act 2000, the Countryside Rights of Way improvement Plan (2007), the Caerphilly Countryside Strategy and emerging Caerphilly Active Travel Plan. The network and usage of the network has links to various social, economic and environmental strategies.

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 ADD a path to the definitive map and statement. Document No. 1 gives an explanation of the term “public rights of way” and the role of this Committee.

The application for a claimed right of way leading from the rear lane at the rear of number 4 Ogilvie Terrace to the footpath in front of number 11 Ogilvie Terrace to, Deri, is being dealt with under the Wildlife and Countryside Act 1981, Section 53(3)(c)(i).

4.2 Introduction

4.2.1 An application has been received under Section 53(3)(c)(i) of the Wildlife and Countryside Act 1981 from Mrs. V Price to modify the Definitive Map and Statement of the Mid Glamorgan County Council by ADDING a footpath leading from number 11 Ogilvie Terrace to rear lane behind number 4 Ogilvie Terrace, Deri. The date when the right of way first came into question was 13th/14th August, 2015, when the proposed developers erected fencing to prevent public access and this was reported to the Authority.

4.2.2 The location of the claimed right of way is shown on Document No. 2 within the circled area. This has been reproduced from the ordnance survey mapping by use of the Authority's Geographical Information System.

4.2.3 The route of the claimed path can be located in Document No.3 along a bold broken red line shown as A-B. The application W.C.A.5, plans of the area from two utility companies – Wales & West and Transco, together with two photographs were received by the Authority on 3rd August, 2015. (Document No. 4) The photographs showing the claimed right of way in the 1980's and the 1990's are shown in Document No. 5.

4.2.4 The Claimed Right of Way commences at the rear lane behind number 4 Ogilvie Terrace, Deri in a diagonal north easterly direction and terminates on the rear lane at the rear of number 4 Ogilvie Terrace. The total length of the claimed path is 30 metres with a width of 1 metre. The local residents refer to the claimed right of way as the diagonal path.

- 4.2.5 The applicant notified the Authority, by submitting Notice W.C.A.7, (Document No. 6) that she had served notice on the landowners, Karina Jayne Gauden and John Vincent O'Connell on 30th August, 2015. A further notice was served on Mr. A Shenkroff as he was identified as one of the landowners in the planning application together with Ms Gauden. This was served on 20th October, 2015 and the applicant notified the Authority by submitting a further Notice W.C.A.7 (Document No. 7)
- 4.2.6 The claim is supported by twenty- eight (28) User Evidence Forms most of which have been completed by the residents of Deri who claim to have used the route on a regular basis.
- 4.2.7 Research has been undertaken to determine the validity of the claim by collating any Documentary Evidence available as well as the User Evidence provided by the local residents.

4.3 Previous Applications

- 4.3.1 In 1997 user evidence forms were submitted to claim two footpaths which were being used on the banking in front of Ogilvie Terrace. One included the path which is the subject of this report from Number 4 to No.11 and another path in front of Number 20 to the main road. This was due to a planning application to build a bungalow in front of Numbers 12 to 15 Ogilvie Terrace. A letter was sent to one of evidence users seeking completion of the relevant forms and the serving of a notice on the landowner but no response was received. Although evidence user forms were submitted as the application was not in the prescribed manner the Authority could take no further action. A copy of the user evidence forms submitted at this time are included in Document No. 8. The information provided in the evidence user forms indicated the number of years use of the path from Number 4 to No. 11 to be over 20 years in 1997.
- 4.3.2 A copy of the planning application and decision is attached as Document No. 9. This also includes the letters of objection from the local residents. They mention the two footpaths subject of the foregoing claimed rights of way in Document No. 8 and how well used they are.
- 4.3.3 Although the application to add the footpath, which was affected by the planning application was not in the correct format, it was included in the notes on the planning application stating that if the path was accepted then it could be diverted.
- 4.3.4 However, if the application to add the footpath through the planning application site had been successful an application could have been made to divert it. An application could have been made to seek a diversion but this would be subject to consultation with local residents. As the diverted route might not have been acceptable to the residents they could have raised objections. This could have resulted in the Diversion Order being sent to the Welsh Ministers for determination as to whether or not the Division Order should be confirmed or rejected.
- 4.3.5 A letter, dated 11th February, 1997, was sent to occupiers in Ogilvie Terrace by Mr. C.G. Mashallsea of Oakfields, Ogilvie Terrace, Deri, Bargoed. CF81 9JB giving notice that a boundary fence was to be erected and refuted the claimed right of way through a section of his land (i.e. from No. 20 Ogilvie Terrace to the main road). (Document No. 10)
- 4.3.6 A further 6 No. evidence user forms to claim the footpath from the rear lane of No. 4 Ogilvie Terrace to the footpath the front of No. 12 Ogilvie Terrace were handed in on the 18th February, 1998. Although W.C.A. 5 had been completed W.C.A. 6 had not been served on the landowner nor had W.C.A. 7 been submitted to this Authority confirming that this had been undertaken. The applicant was sent the relevant forms to be completed but these were never received. Therefore, again this application could not be dealt with due to it not being in the prescribed manner. Copies of the evidence user forms and W.C.A.5 are attached as Document No. 11.

- 4.3.7 Quite a number of the residents had not realised that the application to add the footpath to the Definitive Map had not been progressed due to it being in the incorrect format.
- 4.3.8 A planning application was submitted to erect residential development on land adjoining Ogilvie Terrace, Deri (Document No. 12). The claimed right of way crossed the site. The planning application was refused.
- 4.4 User Evidence**
- 4.4.1 Caerphilly County Borough Council received 28 submitted User Evidence Forms (W.C.A.8), all of which have been completed by people who claim to have used the route regularly. All but five reside in Deri and have used the path as a public footpath without interference for a period varying between 10 and 79 years.
- 4.4.2 The user evidence forms have been studied and the Council's CROW Support Officer, Mrs. J.E. Piper, has interviewed the majority of the users who submitted the forms.
- 4.4.3 Copies of the Evidence User forms are attached as Documents No. 13-41.
- 4.4.4 The interview notes are appended to this report as Document No. 42.
- 4.4.5 Detailed in Table 1 are the salient points from the evidence user forms and interviews (Document No. 43). Document No.44 is a chart showing the number of years the claimed right of way has been used by the evidence users.
- 4.4.6 From the evidence provided in the evidence user forms and the interviews, the users believed the footpath to be public as it had been used through the generations as a short cut. They had not asked permission to use the footpath and had not seen any notices stating that it was private. One local resident could recall that the footpath was in existence 80 years ago.
- 4.4.7 The houses in Ogilvie Terrace were built for the Powell Duffryn Company in the 1920s to provide accommodation for the officials of the newly opened mine to live in. Ogilvie Colliery was opened in 1921. Ever since that date people have walked on the land in front of the houses creating several footpaths. These were used as short cuts.
- 4.4.8 The Powell Duffryn Company had a shed on the land where workmen kept their tools to carry out repairs to the houses. They used the path to gain access to the houses. Document No. 45 shows the location of the shed.
- 4.4.9 One of the residents interviewed could recall using the path as a 10 year old in 1947 and losing half a crown in the snow on the way down to the shops. During the heavy snow fall of 1947 deliveries were not able to use Hillside as it was blocked with snow and had to use the path to bring deliveries up to Ogilvie Terrace.
- 4.4.10 Local residents believe there are safety issues in the footpath being removed as Ambulances and Fire Engines are not able to get into Hillside due to the amount of cars blocking the road.
- 4.4.11 It was believed that the steps were built sometime between 1997 and 2001 as one of the local residents could recall the steps being constructed. The steps are not in place on aerial photograph 1991 (Document No. 46) but in place on the aerial photograph of 2001 (Document No. 47).
- 4.4.12 Local residents believed that the steps were constructed by the owner of Oaklands, Mr Marshallsea, in order that he could use them. However, some thought they had been put in to compensate for taking paths away when the bungalow was built. Street lighting was installed at the top and bottom of the steps by the Authority on the 30th April, 2002.

- 4.4.13 Correspondence had been entered into with Mr. Shenkerof to dedicate the steps as a public right of way. However, despite several reminders being sent by the Authority's Legal Department no response was received and the file was closed. The steps therefore were never accepted as a public right of way or adopted highway and the Authority does not maintain them.
- 4.4.14 Enquiries have been made with the Engineering Division to discover whether the steps had been constructed as part of a small works programme. The member of staff who deals with these programmes has no knowledge of any works taking place having checked through the records.
- 4.4.15 The children from Ogilvie Terrace and Hillside played on the open land and they all used the claimed right of way to visit friends and family.
- 4.4.16 Quite a number of residents who lived in Hillside used to use the claimed right of way as they took a short cut through the garden of No. 15 Ogilvie Terrace, Mrs Collins, who didn't mind. As Mrs Collins no longer lives at this address this practice has ceased.
- 4.4.17 It was mentioned by the local residents that the planning applicant and his family also used the claimed right of way.

4.5 **Documentary Evidence**

- 4.5.1 The documentary evidence studied in conjunction with the User Evidence is outlined below. During the investigation of a claimed route a near match to the claimed footpath was looked for on all the maps listed below.

Aerial Photograph dated 1991 (Document No.46)

It can be seen from the aerial photograph that there are a number of other paths in the banking, including some where Oaklands was built.

Aerial Photograph dated 2001 (Document No.47)

It can be seen from the aerial photograph that steps have been constructed and new properties built.

Aerial Photograph dated 2004-5 (Document No 48)

It can be seen from the aerial photograph that Oaklands now has a boundary fence line/wall.

Aerial Photograph dated 2006 (Document No.49)

The route of the claimed right of way can be clearly seen.

Aerial Photograph dated 2010 (Document No.50)

The route of the claimed right of way can be clearly seen.

A photograph from Google Maps dated August 2011 clearly shows the claimed right of way. (Document No. 51)

Aerial Photograph dated 2014 (Document No. 52)

The route of the claimed right of way can be clearly seen.

Photographic Evidence

Photographs showing the claimed right of way together with the alternative route using a section of the adopted highway, steps and back lane. (Document No. 53)

Photo 1

Photograph taken in 1980's which shows the footpath which runs in front of Ogilvie Terrace showing the claimed right of way adjoining. This also shows a car parked up on the grass bank alongside the houses. (Document No. 5)

Photo 2

Photograph taken in 1980's which shows the claimed right of way. (Document No. 54)

Photo 3

Photograph taken on 15th November, 1986, which shows the claimed right of way as a path with a grass surface and then changing to tarmac. (Document No. 55)

Photo 3

Photograph taken in 1987 which shows the claimed right of way behind the parked cars. (Document No. 56)

Photo 4

Photograph taken in 1990's which shows a young girl on the footpath in front of Ogilvie Terrace and the claimed right of way can be seen behind her. (Document No. 5)

Photo 5

Photograph taken in 1992/93 of Mr. Hardacre and his daughter on her wedding day. They were both stood on the claimed right of way which is tarmacked at the top where it joined the adopted footpath in front of the houses. (Document No. 57)

Photo 6

Photograph taken in 1992/93 of Mrs. Hardacre walking down the claimed right of way with the bridesmaids on the day of her daughter's wedding. (Document No. 58)

Photo 7

Photograph of the newly constructed steps which clearly shows the claimed right of way. The applicant provided the photograph and said that this was taken when the steps had been built by Colin Marshalsea. She stated that the claimed right of way went to the top but had been disturbed by the work that had been done. Also the wall had not been erected then but it was done shortly after. From the photograph it can be seen that the street lighting is already in place next to the top and bottom of the steps. (Document No. 59)

4.6 Land Ownership

- 4.6.1 According to the Land Registry the land is in the ownership of Karina Jayne Gauden and John Vincent O'Connell. However, the planning application refers to land owners as Karina Jayne Gauden and Mr A. Shenkroff. Notice WAC 6 was served on Karina Jayne Gauden and John Vincent O'Connell on 30th August, 2015. A further notice was served on Mr. A Shenkroff on 15th October, 2015.

- 4.6.2 One of the current landowners, Mrs. K.J. Gauden, has written a letter disputing the claimed right of way. Document No. 60 is a copy of the letter, dated 11th February, 2016 She states that permissive rights were given to those parties who wished to walk their dogs across the site and others who wanted to take a diagonal route across the site.
- 4.6.3 She states that a footpath with steps was constructed by the Council and this was to be dedicated in substitution for the claimed footpath which is said to cross the site. The Dedication Agreement was never finalised but she suggests that this could be regularised.
- 4.6.4 She states that permissive rights of access were allowed and believed that all local residents knew this was private land and not public land.
- 4.6.5 The applicant for the planning application (15/0978/FULL), Mr. Michael Toms, has sent a letter, dated 11th February, 2016 (Document No. 61) disputing the claimed right of way. He is a long standing resident of Deri with close family members living adjacent to the site. He believes that the site of his proposed property is private land and at no time have the owners given consent for any neighbours to cross it as of right.
- 4.6.6 He believes the claimed right of way is unnecessary because there are footpaths on the northern and western site boundaries and already footpaths to the south and east. He states that the unauthorised use of the claimed right of way has been infrequent. He also states that the landowners never intended for their land to be used as a footpath and no consent was given for neighbours to use it.
- 4.6.7 A statement has been received from Mr. and Mrs C.G. & B.T. Marshallsea (Document No. 62) stating that when he was building his retaining walls during 1999 he recalled making cups of tea for the workmen who were building the steps at this time and who he states worked for the Local Authority. He assumed, therefore, that the steps are the responsibility of the Local Authority. He refutes the statements of local residents who have stated that he was responsible for constructing the steps.
- 4.6.8 The Architect for the site has confirmed that a new footpath will be constructed as part of the development with a dropped kerb and dropped kerbs will be constructed on the existing footpaths to enable easier access for local residents with mobility issues.
- 4.6.9 A copy of the plan showing the proposed site layout is attached as Document No. 63.

4.7 **Planning Application**

- 4.7.1 The planning application was received by this Authority on 5th October, 2015. A copy of Agenda Item 5 – Site Visit and decision is attached as Document No. 64, the Design and Access Statement is attached as Document No. 65 and the letter of permission to erect one dwelling on the land at Ogilvie Terrace is attached as Document No. 66.

4.8 **SUMMARY**

- 4.8.1 The Authority has received an application to add a footpath to the Definitive Map and Statement. Evidence has been submitted that the route has been used by local residents
- 4.8.2 As detailed in Document 1 the evidence submitted needs to show that the footpath has been used for a period of 20 years without interruption and as a right. The date the footpath first came into question is 13th/14th August, 2015 and therefore the 20 year period of use commences from August 1995. However additional use before this period is also taken into consideration and two previous applications identify use of the claimed right of way of over 20 years dating back to 1972/73. The land was owned by Mr. Shenkroff but is now owned by Mrs. Gauden and Mr. O'Connell.

- 4.8.3 The applicant and supporters state that the footpath has been used without interference for a period varying between 10 and 80 years. They confirmed that there has never been any signs stating that the claimed right of way was private and no-one has prevented them from using it until the site was fenced off on 13th/14th August, 2015.
- 4.8.4 The application is supported by 28 supporters who have completed evidence user forms and have used the claimed right of way to gain access to the bus stop; the pub; shops; village; walking the dog; and visiting friends and family.
- 4.8.5 The applicant has provided photographic evidence of the claimed right of way dating back to the 1980's and some which show the route being used by local residents
- 4.8.6 One of the landowners states that during her family's ownership of the land, a period of 45 years, there was no intention to permit or dedicate a footpath across the site. The land had been purchased to build a residential property. Permissive rights were given for those parties who wished to walk their dogs across the site and for others who very occasionally had cause or wanted to use the diagonal route across the site.
- 4.8.7 She states that the footpath with steps and handrail was constructed by the Council and was on the understanding that this was to be dedicated as a footpath in substitution for the claimed footpath which is said to cross the site. Although the Dedication Agreement was not completed she feels this could be regularised.
- 4.8.8 She further states categorically that no permission was given for this to be dedicated a right of way and have always made clear that it was their intention to build on the land.
- 4.8.9 Although permissive access was given all local residents knew this was private land and not public land which they had a legitimate claim to.
- 4.8.10 The planning application applicant states that he was informed by the land owners that they did not give consent to neighbours to cross the land as a right. He believes that the claimed right of way is unnecessary as there are footpaths to the northern and western site boundaries and ready access to footpaths to the south and east. He states that the unauthorised use of the claimed right of way has been infrequent and of little need. He states that the landowners never intended for their land to be used as a footpath and no consent was given for neighbours to use it.
- 4.8.11 Mr. and Mrs. Marshallsea state that although local residents have identified Mr. Marshallsea as the person who constructed the footpath with the steps and handrail this is not the case and the steps were built by the Council. Mr. Marshallsea categorically refutes that he constructed this footpath and he can recall making cups of tea for the Council workmen whilst they built the steps when he was building his retaining wall.
- 4.8.12 Enquiries with the Authority's Engineers has failed to uncover any information as to the construction of the steps. The footpath and steps are not part of the Authority's adopted highway and as such are not maintained.

5. WELL-BEING OF FUTURE GENERATIONS

- 5.1 This report contributes to the Well Being Goals as set out in Section 3 earlier.
- 5.2 The Act not only identifies goals but advocates five ways of working to ensure that the objectives and sustainability are met and this report has been prepared with that in mind.
- 5.3 Whilst the Public Rights of Way network contributes to all seven Well Being Goals in part the most pertinent four are:-

1. A Resilient Wales

The network extends to over 500 miles and many of these routes have been in place prior to the use of motor vehicles. As such they are often the easiest and most direct routes of access between points. This encourages their use and has benefits in addressing long term issues including health, climate change and poverty all of which assist in making an adaptable but resilient county borough.

2. A Healthier Wales

Usage of the network, be it for recreation or daily business has significant benefits for a physical and mental health and helps address a number of significant health concerns within the county borough notably obesity, cardio vascular and diabetes which are probably problematic in CCBC. Usage of the network is increasing year on year.

3. A Wales of Cohesive Communities

The network links communities and facilities with each other and is usable by the vast majority of residents. A comprehensive and integrated network provides a fully functional and usable access system that benefits all and allows communities to function both directly e.g. ability to access services and individually e.g. through helping prevent or overcome underlying problems such as health and sustainable transport.

4. A Globally Responsible Wales

The carbon impact of the rights of way network is minimal and promotes sustainable transport on a number of counts. Increased local usage has a global effect in terms of slowing climate change and its impacts.

- 5.4 The provision of access helps meet both short and longer term needs and objectives without prejudicing the viability of the network for future generations. Rights of Way and access are fundamental to the daily life of most people and as such the network integrates and is necessary to meet many objectives of the Authority. The designation process, for rights of way, has involved extensive consultation with communities, groups and individuals and collaboration takes place with other interested parties in terms of the management and maintenance of the network. Formal consultation forms part of these processes, including this report.

6. EQUALITIES IMPLICATIONS

- 6.1 An Equalities Impact Assessment is not needed because the issues covered are for information purposes only, therefore the Council's full EIA process does not need to be applied.

7. EQUALITIES IMPLICATIONS

- 7.1 An Equalities Impact Assessment is not needed because the issues covered are for information purposes only, therefore the Council's full EIA process does not need to be applied.

8. FINANCIAL IMPLICATIONS

- 8.1 The cost of an order should Members resolve to support the application, is in the region of £1,800.00. If it is agreed to add the footpaths to the Definitive Map and Statement the cost of the order and the cost of opening of the footpaths would be the responsibility of this Authority. Whatever Members' decision, should representations be received this may result in a public inquiry. This cost may exceed £10,000.

9. PERSONNEL IMPLICATIONS

9.1 None.

10. CONSULTATIONS

10.1 For List of Consultees see Appendix 1. Comments received on the draft report are appended to the report.

11. RECOMMENDATIONS

11.1 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 path be registered
- ii) Rejecting the claim.

12. REASONS FOR THE RECOMMENDATIONS

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

13. STATUTORY POWER

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

Author: Mrs. June E. Piper, CROW Support Officer

Consultees: See list in Appendix 1

List of Documents:

1. Description of Rights of Way Document No. 1
2. Location Plan Document No. 2
3. Plan showing claimed right of way Document No. 3
4. Application Form WCA5 submitted by Mrs. V.M. Price Document No. 4
5. Photographs of the claimed right of way Document No. 5
6. Form WCA7 served on landowners Document No. 6
7. Form WCA7 served on landowner Document No. 7
8. Application for two claimed rights of way 1997 Document No. 8
9. Permission for Development 19/12/196 Document No. 9 – land adjoining Oakfields, Ogilvie Terrace, Deri
10. Letter from Mr. Marshallsea dated 11th February, 1997 Document No. 10
11. Evidence User Forms submitted in 1998 - Document No. 11
12. Details in respect of Planning Application No. P/01/0440 submitted in 2001 Document No. 12
13. Evidence User Forms submitted in 2015 – Documents 13-41
14. Interview Notes – Document No. 42
15. Table identifying salient points made by users – Document No. 43
16. Table showing the number of years the claimed right of way has been used – Document No. 44
17. Location of workman's hut, shed, former shop, wooden seat and bus stop – Document No. 45
18. Aerial Photograph dated 1991 – Document No. 46
19. Aerial Photograph 2001 Document No. 47
20. Aerial Photograph 2004-2005 Document No. 48
21. Aerial Photograph 2006 Document No. 49

22. Aerial Photograph 2010 Document No. 50
23. Google Maps – Deri – Document No. 51
24. Aerial Photograph 2014 – Document No. 52
25. Photographs of the alternative route - Document No. 53
26. Photograph - Document No. 54
27. Photograph – Document No. 55
28. Photograph dated 1987 – Document No. 56
29. Photograph dated 1992/93 – Document No. 57
30. Photograph dated 1992/93 – Document No. 58
31. Photograph of newly constructed steps – Document No. 59
32. Letter dated 11th February, 2016, from Mrs. K.J. Gauden - Document No. 60
33. Letter dated 11th February, 2016, from Mr. M. Toms – Document No. 61
34. Letter dated 3rd February, 2016, from Mr. and Mrs. Marshallsea – Document No. 62
35. Planning Application - Site layout – Document No. 63
36. Planning Committee – report and decision - Document No. 64
37. Design and Access Statement – Document No. 65
38. Permission for Development – Document No. 66

ETP/ROW/CROW 144 held at Tredomen House

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APPENDIX 1

LIST OF CONSULTEES

Draft report to be sent to the following for comments by e-mail:-

Mr. Tim Stephens, Development Control Officer.
Mr Phil Griffiths, Manager, Countryside and Landscape Services
Mrs Gail Williams, Monitoring Officer/Principal Solicitor

The applicant:-

Mrs. V. Price, 11 Ogilvie Terrace, Deri. CF81 9JB

The landowners:-

Ms. K.J. Gauden, Mountain View Bungalow, Glynmarsh Street, Deri, Bargoed. CF81 9HZ
Mr. J.V. O'Connell, c/o Howells Solicitors, 1st Floor Hallinans House, 22 Newport Road,
Cardiff. CF24 OTD e-mail: Cardiff@howellslegal.com

The planning applicant:-

Mr. M. Toms, 47 Bailwy Street, Deri. CF81 9HU c/o Sullivan Land and Planning, The Studio,
Beaufort Yard, Devauden, Chepstow. NP16 6NT

Gelligaer Ramblers, Mr. Anthony Vallario, 19 Lon Pennant, Blackwood NP12 1EL
Mrs. J. Hyett, Woodlands Farm, Caerphilly Mountain, Caerphilly, Mid Glamorgan CF8 1NF
Natural Resource 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.

Darren Valley Community Council

Replies to Consultation

Following completion of the report the Authority consulted with all interested parties detailed in paragraph 7 of the main report on the 5th January, 2016 seeking views on the accuracy of the report contents and requested replies by the 20th January, 2016.

Four replies were received within the stipulated time period, these were received from:-

1. Sullivan Land and Planning on behalf of their client Mr. Toms the landowner. (Document No. 67)

This letter provides details which refutes the application to include the footpath on the Definitive Map and Statement.

2. Mrs. V. Price (Document No. 68 and 69)

This e-mail provides comments on the report, together with a list of signatures of people who knew the path and had never been prevented from using it.

3. Mrs. A. Williams (Document No. 70)

This e-mail provides comments on the report.

4. Open Spaces Society (Document No. 71)

This letter supports the inclusion of the footpath onto the Definitive Map and Statement.

One reply was received after the stipulated time period from

4. Darran Valley Community Council (Document No. 72)

This e-mail supports the inclusion of the footpath onto the Definitive Map and Statement.

ROLE OF COMMITTEE AND TERMS OF PUBLIC RIGHTS OF WAY

- ii) The term "public rights of way" is used to mean paths, tracks and unmetalled roads over which the public have the right to walk and in some cases ride horses and possibly drive motor vehicles.

These may be classified as follows:-

A **footpath**: over which the right of way is on foot only.

A **bridleway**: over which there is a right of way on foot and on horseback or leading a horse, and also for the use of a pedal cycle.

A **byway open to all traffic**: this means a highway over which the public have a right of way for vehicular and all other kinds of traffic, but which is used by the public mainly for the purpose for which footpaths and bridleways are so used.

- iii) The Wildlife and Countryside Act 1981 places a duty on the County Borough Council to keep the existing definitive map under continuous review, make Modification Orders as necessary to take account of the occurrence of events requiring the map to be modified and to prepare definitive maps for any part of the area not previously surveyed.
- iv) The definitive map and statement will be modified by means of Orders made by the surveying authority i.e. the County Borough Council. The Wildlife and Countryside Act enables any person to apply to the surveying authority for an order to amend the definitive map.
- v) The procedure for making such an application is detailed in Schedule 14 of the Wildlife and Countryside Act. The application before you complies with these requirements.
- vi) When determining the application members will be acting in a quasi-judicial capacity. Before making an order, members must be satisfied that the evidence shows, **on the balance of probabilities**, that a right of way of a particular description exists. Each application must be dealt with on its own merits, noting the interests of both the applicants and the landowners.
- vii) This application is concerned with rights that are alleged to exist and not as to whether it would be prudent or beneficial to create them. The suitability of a way for users who have a right to use it, for example the nuisance that they are alleged to cause are not factors that should be considered by the Committee. **Members are also required to view the route of the proposed right of way in question.**

- viii) When considering the evidence that follows, members must be aware of the provisions of Section 31 of the Highways Act 1980 thus enabling members to determine whether there is sufficient weight of evidence to make an order.

Section 31 of the Highways Act states:-

"where a way over any land other than a way of such a character that use of it by the public could not be given rise at common law to any presumption of dedication, has been actually enjoyed by the public as a right and without interruption for a full period of 20 years, the way is to be deemed to have been dedicated a highway unless there is sufficient evidence that there was no intention during that period to dedicate it."

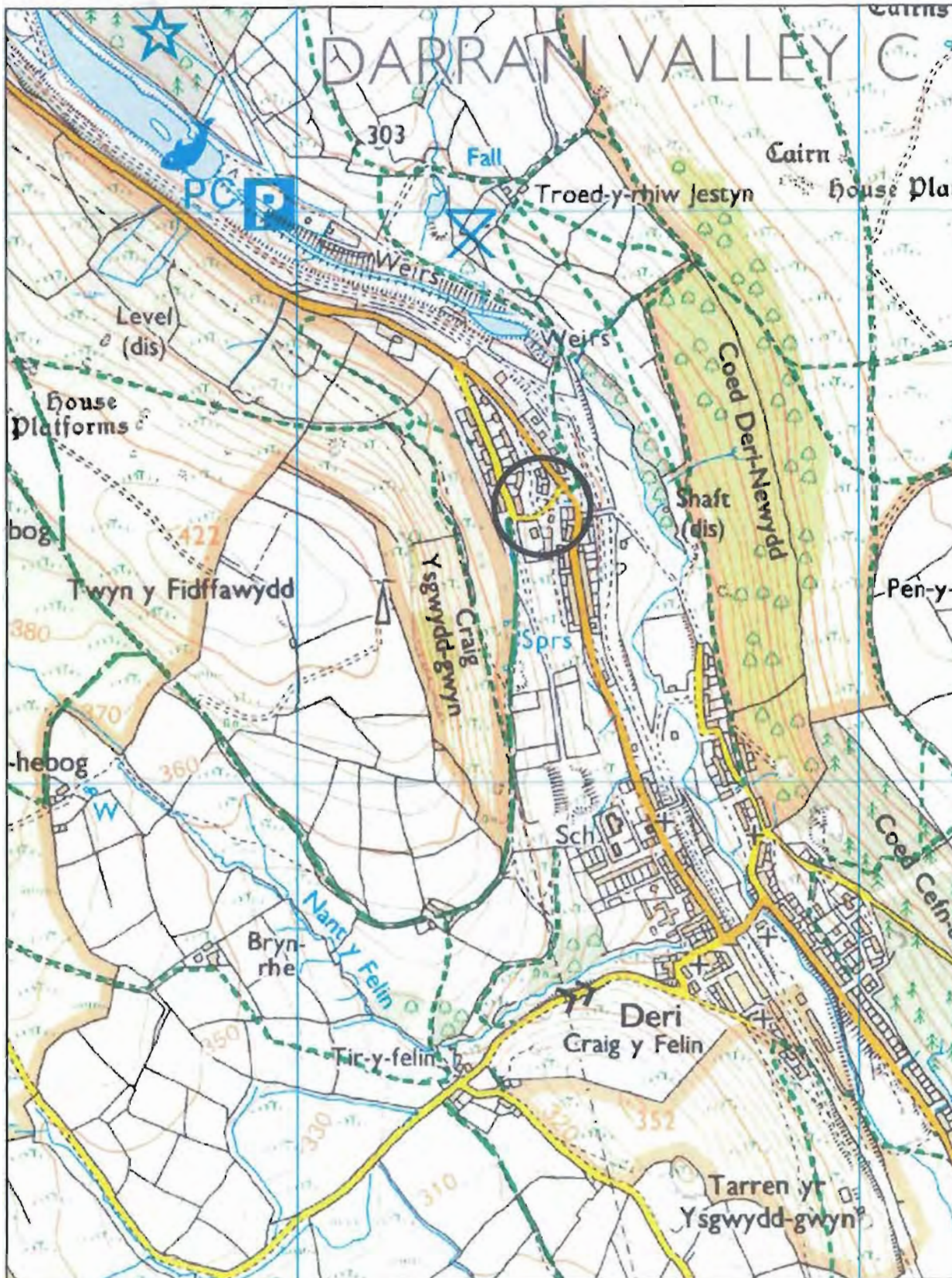
If in the case before you members are satisfied that the right of way has been used for a period in excess of 20 years, then there arises a presumption that the owner intended to dedicate the path as a right of way. It should be noted by members that the said 20 year period must be calculated retrospectively from the date when the way was first called into question.

- ix) If following the site visit the Committee decides to make an Order, then once this decision has been reached the County Borough Council has to give notice of its general effect. Following members' decision there is a right of appeal to the National Assembly for Wales. A period of at least 42 days from the date of first publication of the notice must be allowed for objections."

If there are any valid objections the County Borough Council has to refer the Order, together with the objections to the National Assembly for Wales who will then arrange for the Order and the objections to be considered by an independent Inspector. If no valid objections are made within the objection period then the County Borough Council may confirm the order itself as an unopposed Order.

LOCATION PLAN - CLAIMED RIGHT OF WAY 144

1:10,000



CLAIMED RIGHT OF WAY 144 A-B

1:750



CAERPHILLY COUNTY BOROUGH COUNCIL

FORM W.C.A.5

FORM OF APPLICATION FOR A MODIFICATION ORDER

WILDLIFE AND COUNTRYSIDE ACT 1981

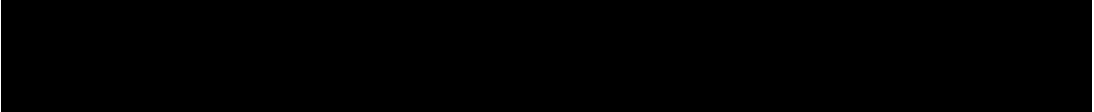
The Wildlife and Countryside
(Definitive Maps and Statements)
Regulations 1993 (Schedule 7)

DEFINITIVE MAP AND STATEMENT

COUNTY BOROUGH OF CAERPHILLY

COMMUNITY OF: GELLIGAER

I/We (name of applicant) V.M.PRICE

of (address of applicant) 

Telephone N° (Home).....
(Business).....

hereby apply for an Order under Section 53 (2) of the Wildlife and Countryside Act 1981 modifying the Definitive Map and Statement for the area by:-

1.*Deleting the *(footpath) *(bridleway) *(byway open to all traffic)
shown as N°.....
leading from.....
to.....

OR

2.* Adding the *(footpath) *(bridleway) *(byway open to all traffic)
shown as N° diagonal path
leading from 4 Ogilvie Terrace
to 12 Ogilvie Terrace

3. ~~** (Upgrading) *(Downgrading) to a *(footpath) *(bridleway) *(byway open to all traffic) the *(footpath) *(bridleway) *(byway open to all traffic)~~

~~shown as N°~~

~~leading from~~

~~to~~

OR

4. ~~** (Varying) *(Adding) to the statement particulars relating to the *(footpath) *(bridleway) *(byway open to all traffic)~~

~~shown as N°~~

~~leading from~~

~~to~~

~~(Please state below the modification required)~~

~~.....
.....
.....
.....~~

I/We attach a map and copies of the following documentary evidence (including statements of witnesses) in support of this application:-

List of Documents provided:-

20 statements

1 MAP DERL & GROESFAEN

1 MAP TRANSCO COALBARD

1 MAP ARIAL VIEW

1 MAP ORDINANCE SURVEY

1 MAP WALES & WEST UTILITIES

Dated 30th Aug 2015

Signed

* Please delete as appropriate

2 photos path top showing path joining diagonal path BOTH TARMAC



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 Unauthorized reproduction infringes Crown copyright and may lead to prosecution or civil proceedings.
 Caerphilly County Borough Council, LA09004L, 2002.

Atgynhychwyd o fapiau yr Arolyng Ordnans gyda chwtatad rheolwr Llyfrfa ei Mawrtydi hawl ffrainl y Goron.
 Mae atgynhychu heb awdurdod yn torri hawl ffrainl y Goron. Gall hyn arwain at ehyriad neu echos silff.
 Cyngor Bwrdeistref Sirol Caerffili, LA09004L, 2002.

S4





SCALE: 1:1000
 USER NO: 0044
 DATE: 22/05/01
 REFERENCE:
 31200, 30252

APPROVED	DATE
DATE	DATE
DATE	DATE
DATE	DATE

This plan shows the proposed gas mains for Transco plc in South East London. The information shown on this plan is for guidance only and does not constitute a guarantee. The liability of any third party is accepted by Transco plc. It is not intended to be used for any other purpose. The user of this plan should be aware that the information is provided to all persons (other than those who are not to be used for any other purpose) and should not be referred to in any other document.

GERRYDEE COUNTY COUNCIL (CORPORATION OF TECHNICAL SERVICES)	
No.	21 MAY 2001
DATE	
ISSUE APPROVED	
FORWARDED TO	
FILE REF.	

Desktop MAPS Version 2.0.1

Transco

London

This plan is reproduced from a 1:1000 scale plan. It is the property of Transco plc and is not to be used for any other purpose. It is the property of Transco plc and is not to be used for any other purpose.

Photo of right of way
path adjoining footpath
Ogilvie Terrace
1980's
M. Bruce
V. PRICE



Right of way diagonal
path, joining footpath
Ogilvie Terrace
1990s

UMRICE
UMPRICE



CAERPHILLY COUNTY BOROUGH COUNCIL

FORM W.C.A.7

FORM OF CERTIFICATE OF SERVICE OF NOTICE OF APPLICATION FOR A MODIFICATION ORDER

WILDLIFE AND COUNTRYSIDE ACT 1981

The Wildlife and Countryside
(Definitive Maps and Statements)
Regulations 1993 (Schedule 9)

DEFINITIVE MAP AND STATEMENT

CERTIFICATE OF SERVICE OF NOTICE OF APPLICATION FOR MODIFICATION ORDER

BOROUGH/DISTRICT OF CAERPHILLY

COMMUNITY GELLIGAER

I/We (name of applicant) V.M. PRICE

Of (address of applicant) 

Telephone N° (Home) 
(Business) 

hereby certify that the requirements of paragraph 2 of Schedule 14 to the Wildlife and Countryside Act 1981 have been complied with. (Paragraph is printed on the reverse of this form),


Details of Modification REINSTATE DIAGONAL FOOTPATH FROM
4 OGILVIE TERRACE TO 12 OGILVIE TERRACE. WHICH
WAS FENCED OFF ON AUG. 14th

List of Owners and Occupiers Notified:-

KARINA JAYNE GAUDEN

JOHN VINCENT O'CONNELL

Dated AUG 30th 2015

Signed 

Completed Forms to be returned to:-

Mrs P. Elliott
Head of Regeneration and Planning,
Council Offices,
Pontllanfraith,
Blackwood. NP12 2YW

RECEIVED AT
PENALLTA HOUSE
20 OCT 2015

CAERPHELLY COUNTY BOROUGH COUNCIL

FORM W.C.A.7

FORM OF CERTIFICATE OF SERVICE OF NOTICE OF APPLICATION FOR A
MODIFICATION ORDER

WILDLIFE AND COUNTRYSIDE ACT 1981

The Wildlife and Countryside
(Definitive Maps and Statements)
Regulations 1993 (Schedule 9)

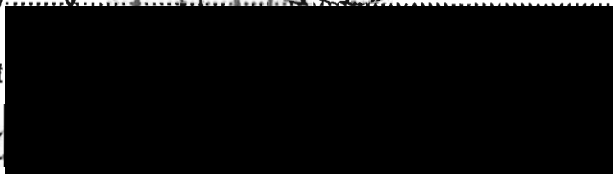
DEFINITIVE MAP AND STATEMENT

CERTIFICATE OF SERVICE OF NOTICE OF APPLICATION FOR MODIFICATION ORDER

BOROUGH/DISTRICT OF Caerphilly

COMMUNITY Gelligaer

I/We (name of applicant) V.M. PRICE


Of (address of applicant) 

Telephone N° (Home) 
(Business)

hereby certify that the requirements of paragraph 2 of Schedule 14 to the Wildlife and Countryside Act 1981 have been complied with. (Paragraph is printed on the reverse of this form).

Details of Modification Reinstate public footpath
which was ~~found~~ fenced off on
August 13/14th

List of Owners and Occupiers Notified:-
~~ALEX SHENKROF~~ ALEX SHENKROF

Dated 15 - October 2015
Signed 

Completed Forms to be returned to:-

Mrs P. Elliott
Head of Regeneration and Planning,
Council Offices,
Pontllanfraith,
Blackwood. NP12 2YW

A.J.Sander

01495-235092

ETP/ROW/Claim.

13th March 1997

Dear Madam,

Claimed Right of Way Ogilvie Terrace, Deri, Bargoed

I refer to your telephone conversation with my Mr.Sander on the 12th March 1997, and have pleasure in enclosing additional forms in respect of a second claim you wish to make in regard to a right of way at Ogilvie Terrace.

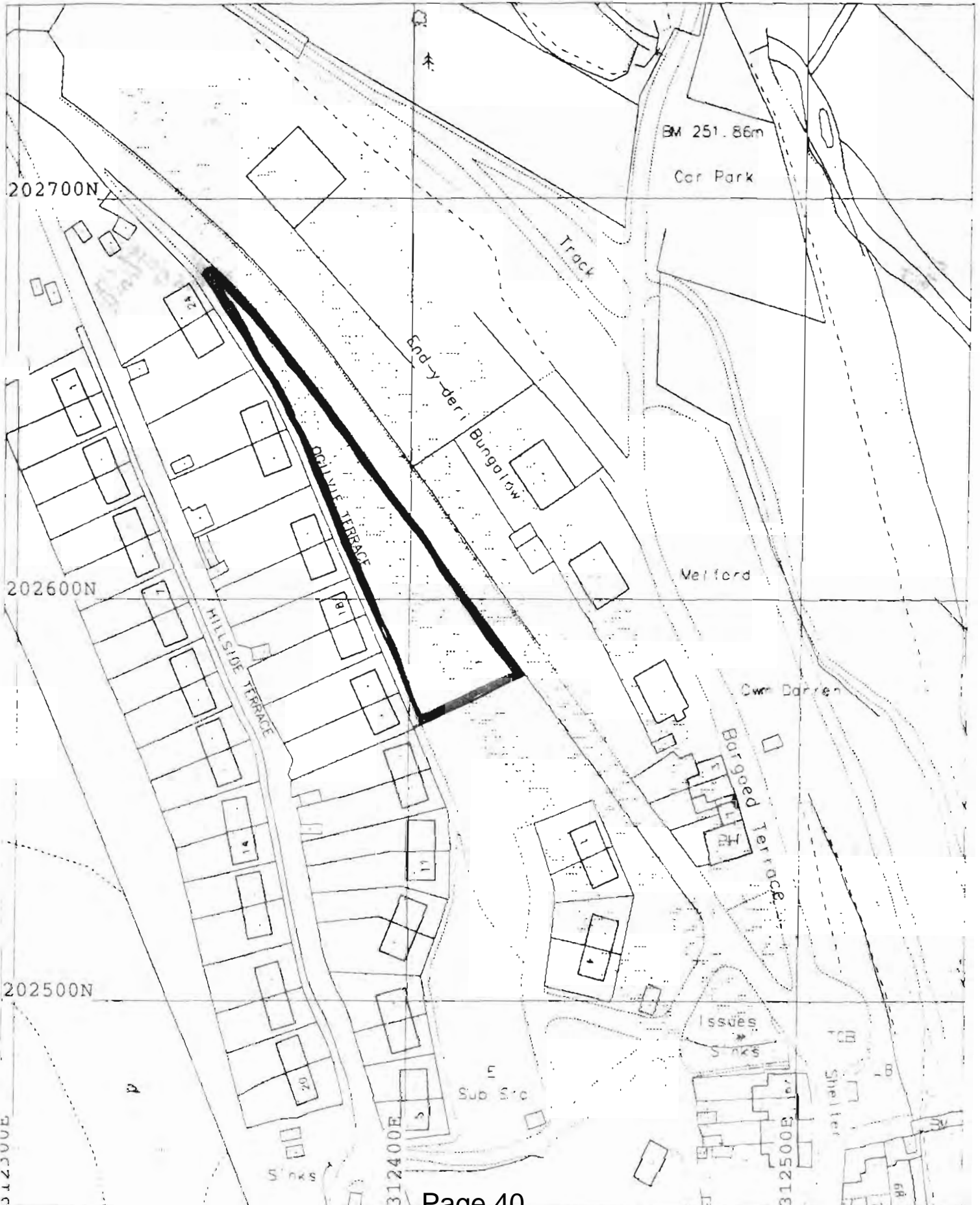
I shall be obliged if you will complete the claim in the prescribed manner and collect additional evidence from other users, before returning the application to the authority.

Yours faithfully



for and on behalf of
Chief Engineer

P/96/0863



ROUTING SLIP FOR PLANNING APPLICATIONS

Planning Application Number <u>55/96/0863p</u>	Input Date <u>07/01/97</u>
--	----------------------------

* TO CLIENT SERVICES DATE 07/01/97
 OBSERVATIONS *no objection*

DATE 07/01/97 SIGNATURE *[Signature]*

REQUIRE COPY OF FORMAL OBSERVATIONS ? ~~YES~~ / NO
 FROM CLIENT SERVICES DATE 07/01/97

* TO RIGHTS OF WAY DATE 8/1/97
 OBSERVATIONS *Suggested claimed path crosses site and action may need to be taken*

DATE 8/1/97 SIGNATURE *[Signature]*

REQUIRE COPY OF FORMAL OBSERVATIONS ? YES / NO
 FROM RIGHTS OF WAY DATE

*** Return to H.L. Group within 2 working days of the input date or notify appropriate officer in H.L. of reason for any delay.**

TO HIGHWAYS LIAISON DATE..... To H.L.O./CHIEF ASST./ACTO/DCES/CES

APPLICATION REFERRED TO SENIOR MANAGEMENT FOR COMMENTS YES/NO

DATE..... SIGNATURE.....

TO H.L.O. (SEE SEPARATE CHECK LIST FOR OBSERVATIONS)

TO CHIEF ASSISTANT (FORWARD PLAN)/A.C.T.O./D.C.E.S./C.E.S. FOR SIGNATURE DATE.....
 OR ESTATES DEVELOPMENT DATE.....

FORMAL OBSERVATIONS

- | | |
|--|----------------------|
| CLIENT SERVICES OBSERVATIONS INCLUDED | YES / NOT APPLICABLE |
| RIGHTS OF WAY OBSERVATIONS INCLUDED | YES / NOT APPLICABLE |
| HIGHWAYS LIAISON CHECK LIST COMPLETED | YES / NO |
| ESTATES DEVELOPMENT CHECK LIST COMPLETED | YES / NOT APPLICABLE |
| DEPARTURES FROM STANDARDS APPROVED | YES / NOT APPLICABLE |

SIGNATURE.....

FROM CHIEF ASSISTANT (FORWARD PLAN) / A.C.T.O. DATE.....
 OR FROM PRINCIPAL ENGINEER ESTATES DEVELOPMENT



Directorate of
Technical Services
Planning Division
Council Offices Pontllanfraith
Blackwood NP2 2YW
Tel. 01495 235320
Fax. 01495 236013

Adran y Cyfarwyddwr
Cwasanaethau Technegol
Ie-Adran Cynllunio
Swyddfeydd y Cyngor Pontllanfraith
Coed Duon NP2 2YW
Fôn. 01495 235320
Ffacs. 01495 236013

Chief Planning Officer
Pat Mears

Prif Swyddog Cynllunio
Pat Mears

GROUP MANAGER
(TRANSPORTATION PLANNING),
CAERPHILLY COUNTY BOROUGH COUNCIL,
COUNCIL OFFICES, PONTLLANFRAITH,
BLACKWOOD.

Contact/Cysylltwch â MRS. M: WICKRAMASINGHE

Direct line/Llinell Uniongyrchol

Direct Fax/Ffacs Uniongyrchol

Your ref/Eich Cyf P/96/0863

Our ref/Ein Cyl 23/12/96

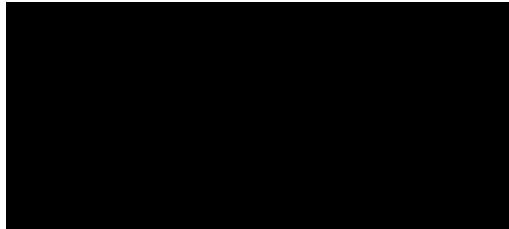
Date/Dyddiad

Dear Sir,

TOWN AND COUNTRY PLANNING ACT, 1990

The following application for planning permission has been received under the provisions of the above Act, and I shall be glad to know whether you wish to make any observations, in writing, on this proposal:

NAME AND ADDRESS
OF DEVELOPER



PROPOSED
DEVELOPMENT

ERECT BUNGALOW

LOCATION

LAND ADJ. TO OAKFIELDS, OGILVIE
TERRACE, DERI, BARGOED, MID GLAM.

PREVIOUS REFERENCE

SITE PLAN

Attached

GRID REFERENCE

SO 1239 0260

In accordance with statutory requirements, it is necessary to determine the application within a specified period and it is essential therefore that any observations should be received by me within 21 days from the date of this communication. If, however, you are unable to forward your observations within this period, please inform me when they will be available. In the event of no reply being received from you, it may be assumed that you have no observations to offer and the determination of the application will be proceeded with.

Yours faithfully,

DEVELOPMENT CONTROL GROUP MANAGER



Chief Planning Officer,
 Caerphilly County Borough
 Council,
 Ponllanfraith,
 Blackwood, NP2 2YW,
 Tel: 01495 226622
 Fax: 01495 222468

(For official use only)
 Code Number **P/96/0863**
 Date of issue **23.12.96**
 Ack. **13.2.97**
 Latest date for determination **13.2.97**
 Extended to _____

Town and Country Planning Act, 1990
**APPLICATION FOR PERMISSION
 TO DEVELOP LAND ETC.**

CAERPHILLY COUNTY
 BOROUGH COUNCIL
11 OCT 1996
 PLANNING DIVISION

PART 1 - to be completed by or on behalf of all applicants as far as applicable to the particular development.

1. Applicant (in block capitals)
 Name _____
 Address _____
 Postcode _____

Agent (if any) to whom correspondence should be sent
 (in block capitals)
 Name **NO AGENT**
 Address _____
 Postcode _____ Tel. No. _____

2. Particulars of Application (see note 3)

(a) State whether this application is for:-

(i) Outline planning permission **NO**

(ii) Full planning permission **YES**

(iii) Approval of reserved matters following the grant of outline permission **NO**

(iv) Renewal of a temporary permission or permission for retention of building or continuance of use without complying with a condition subject to which planning permission has been granted **NO**

Is approval required at this stage for any of the following? If so full details are required.

	Yes	No
1. Siting	<input type="checkbox"/>	<input type="checkbox"/>
2. Design	<input type="checkbox"/>	<input type="checkbox"/>
3. External Appearance	<input type="checkbox"/>	<input type="checkbox"/>
4. Means of access	<input type="checkbox"/>	<input type="checkbox"/>
5. Landscaping	<input type="checkbox"/>	<input type="checkbox"/>

If yes, state the date and number of outline permission
 Date _____
 Number _____

If yes, state the date and number of previous permission and identify the particular condition (see note 3d)
 Date _____
 Number _____
 The condition _____

3. Particulars of proposal for which permission or approval is sought

(a) Full address or location of the land to which this application relates and site area (if known)
AS ABOVE

(b) Brief particulars of proposed development including the purpose(s) for which the land and/or buildings are to be used
BUNGALOW ADJACENT "OAKFIELDS" DERI.

(c) State whether applicant owns or controls any adjoining land and if so, give its location
NO

(d) State applicant's legal interest in the land
OWNER

(e) State whether the proposal involves:-

(i) New building(s) **YES**

(ii) Alteration or extension **NO**

(iii) Change of use **NO**

(iv) Construction of a new access to a highway

vehicular	<input type="checkbox"/> YES
pedestrian	<input type="checkbox"/> NO

(v) Alteration of an existing access to a highway

vehicular	<input type="checkbox"/> NO
pedestrian	<input type="checkbox"/> NO

TOWN AND COUNTRY PLANNING ACT 1990

TOWN AND COUNTRY PLANNING (GENERAL DEVELOPMENT PROCEDURE) ORDER 1995

CERTIFICATE UNDER ARTICLE 7

CERTIFICATE A

I certify that:

on the day 21 days before the date of the accompanying application/appeal* nobody, except the applicant/appellant* was the owner (b) of any part of the land to which the application/appeal* relates.

Signed

*On behalf of

Date 11. Oct. 96

*Delete where inappropriate

- (a) This certificate is for use with applications and appeals for planning permission (article 7 and 9 (1) of the Order). One of Certificates A, B, C or D (or the appropriate certificate in the case of certain minerals applications) must be completed, together with the Agricultural Holdings Certificate.
- (b) 'Owner' means a person having a freehold interest or a leasehold interest the unexpired term of which is not less than seven years, or, in the case of development consisting of the winning and working of minerals, a person entitled to an interest in a mineral in the land (other than oil, gas, coal, gold or silver).

CAERPHILLY COUNTY
BOROUGH COUNCIL
11 OCT 1996
PLANNING DIVISION

AGRICULTURAL HOLDINGS CERTIFICATE

TOWN AND COUNTRY PLANNING ACT 1990

TOWN AND COUNTRY PLANNING (GENERAL DEVELOPMENT PROCEDURE) ORDER 1995

CERTIFICATE UNDER ARTICLE 7

Agricultural Holdings Certificate (a)

Whichever is appropriate of the following alternatives must form part of Certificates A,B,C or D.

If the applicant is the sole agricultural tenant he or she must delete the first alternative and insert "not applicable" as the information required by the second alternative.

None of the land to which the application/appeal relates is, or is part of, an agricultural holding.

or

I have/The applicant has/The appellant has given the required notice to every person other than my/him/her*self who, at the beginning of the period of 21 days ending with the date of the application/appeal*, was a tenant of an agricultural holding on all or part of the land to which the application/appeal* relates, as follows:-

Tenant's Name	Address at which notice was served	Date on which notice was served
<i>[Handwritten Name]</i>	<i>[Handwritten Address]</i>	<i>[Handwritten Date]</i>

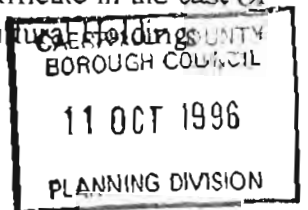
Signed.....

*On behalf of.....

Date..... 11. Oct. 96

*Delete where inappropriate

(1) This Certificate is for use with applications and appeals for planning permission (articles 7 and 9(1) of the Order). One of Certificates A,B,C or D (or the appropriate certificate in the case of certain minerals applications) must be completed together with the Agricultural Holdings Certificate.



CAERPHELLY COUNTY BOROUGH COUNCIL

FORM W.C.A.8A

WILDLIFE AND COUNTRYSIDE ACT 1981

The Wildlife and Countryside
(Definitive Maps and Statements)
Regulations 1993

CAERPHELLY COUNTY BOROUGH COUNCIL DIRECTORATE OF TECHNICAL SERVICES	
NO	8450
DATE RECEIVED	14 FEB 1997
DATE PAID	N/A
REFERRED TO	Transportation Plans
FILE REF	SWD 11/00/01

PUBLIC RIGHTS OF WAY EVIDENCE FORM

1. Surname: Mr, Mrs, Miss..... THORNE.....

Christian names: JEAN.....

Age:(if over 21 write "over 21")..... OVER 21.....

Telephone N°..... If you are prepared to give your telephone N° it will greatly assist the Rights of Way staff in arranging interviews following the submission of your evidence.

2. Address: 17 OGILVIE TERRACE.....

DERI BARGOED MID GLADYSGAN.....

3. Occupation: MACHINIST.....

4. Name or route of path..... OGILVIE TERR No 20 TO RD ALSO FROM No 12

5. National Grid References (ends of path)..... N.C.T. KNOWN.....

6. Type of path: Footpath* / Bridleway* / ~~Byway open to all traffic*~~

7. Do you regard the path as public (SEE NOTE 2): Yes/No

8. Is the path well defined: Yes/No

9. How long have you known the path:..... 60 years.....

10. Over what period have you used the path on foot, horseback, or motor vehicle, (state which).

on foot for 60 years.....

11. How often over the period have you used the path: Regular
12. For what purpose did you use the path: To reach the main highway
13. Details of any stiles, handgates, field gates, bridges, notices, direction signs, warning signs, obstructions etc.
NONE
14. Name of Owner(s) or Tenant (s), if known: C MARSHALLSEA
RECENTLY PURCHASED
15. Have you ever been employed by, or a tenant of, the owner of the land affected by the path: Yes/No*
16. Have you ever seen other people using the same route ie, Locals, strangers, Both. If so were they on foot, horseback in a vehicle
Yes On foot horseback
17. Have you always followed the same route. If not when was it changed and if known by whom:
Yes
18. Did you ever seek or get permission to use the route. If so from whom:
No
19. Have you, or to your knowledge has anyone, been stopped or turned back:
No
20. Were you ever told by any owner or occupier or by their employee that the route was not public:
No

21. Has your use of the route ever been in exercise of some private right, such as visiting someone who lived along the route, going to your own land or property, or delivering goods:

yes to House and DELIVERING goods

22. Is there to your knowledge evidence to support your claim eg, Enclosure Awards, Tithe Maps, Railway Maps:

yes

23. Is the route or any part of it enclosed between boundaries, ie hedges, fences, ditches, walls:

No

Any further information I was born at 14 Ogilvie Terrace
Dumfries 60 years ago. It has always been used by
the public as a footpath for entering & visiting
Ogilvie Terrace. It is our front entrance.

DATE: 6.2.97.

SIGNATURE OF USER MAKING STATEMENT.....

SIGNATURE OF PERSON TAKING STATEMENT (ie CLAIMANT).....
(FOR USE ONLY WITH A GROUP CLAIM - SEE NOTE ON FORM W.C.A.2).

CAERPHILLY COUNTY BOROUGH COUNCIL

FORM W.C.A.8A

WILDLIFE AND COUNTRYSIDE ACT 1981

The Wildlife and Countryside
(Definitive Maps and Statements)
Regulations 1993

PUBLIC RIGHTS OF WAY EVIDENCE FORM

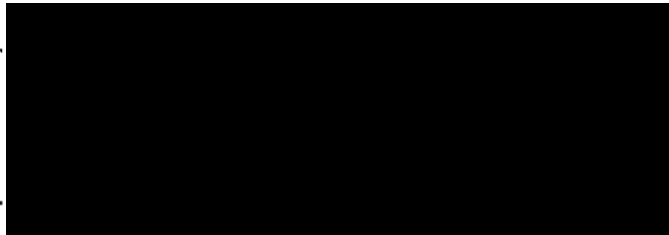
1. Surname: Mr, Mrs, Miss..... BEVAN.....

Christian names: EDWARD.....

Age: (if over 21 write "over 21")..... Over 21.....

Telephone N°..... If you are prepared to give your telephone N° it will greatly assist the Rights of Way staff in arranging interviews following the submission of your evidence.

2. Address:.....



3. Occupation:..... Retired.....

4. Name or route of path..... from 20 Ogilvie Linn. To Main Rd.....

5. National Grid References (ends of path)..... SD1202 x WA81052.....

6. Type of path: Footpath* / ~~Bridleway*~~ / ~~Byway open to all traffic*~~

7. Do you regard the path as public (SEE NOTE 2): Yes/~~No~~ YES

8. Is the path well defined: Yes/~~No~~

9. How long have you known the path:..... 70 years.....

10. Over what period have you used the path on foot, horseback, or motor vehicle, (state which).

69 years also vehicles in an emergency have used this path, for deliveries of milk etc. and other trader men and for funerals

11. How often over the period have you used the path: every week: sometimes more.

12. For what purpose did you use the path: for access.

13. Details of any stiles, handgates, field gates, bridges, notices, direction signs, warning signs, obstructions etc.
None.

14. Name of Owner(s) or Tenant (s), if known: Mr Shenkeron: now owned
By Mr Marshall.

15. Have you ever been employed by, or a tenant of, the owner of the land affected by the path: Yes/No*

16. Have you ever seen other people using the same route ie, Locals, strangers, Both. If so were they on foot, ~~horseback~~ in a vehicle
used by delivery People: Public family friends
for taking deceased onto main Rd.

17. Have you always followed the same route. If not when was it changed and if known by whom:
Yes.

18. Did you ever seek or get permission to use the route. If so from whom:
This Path has ~~to~~ been used before houses
were built.

19. Have you, or to your knowledge has anyone, been stopped or turned back:
No.

20. Were you ever told by any owner or occupier or by their employee that the route was not public:
No.

21. Has your use of the route ever been in exercise of some private right, such as visiting someone who lived along the route, going to your own land or property, or delivering goods:

yes

22. Is there to your knowledge evidence to support your claim eg, Enclosure Awards, Tithe Maps, Railway Maps:

yes

Some where

23. Is the route or any part of it enclosed between boundaries, ie hedges, fences, ditches, walls:

No

Any further information

this path has been used by workmen, visitors, friends and to take our dear family to their last resting place.

DATE:

Feb 2nd 1997

SIGNATURE OF USER MAKING STATEMENT

SIGNATURE OF PERSON TAKING STATEMENT (ie CLAIMANT)

(FOR USE ONLY WITH A GROUP CLAIM - SEE NOTE ON FORM W.C.A.2).

CAERPHILLY COUNTY BOROUGH COUNCIL

FORM W.C.A.8A

WILDLIFE AND COUNTRYSIDE ACT 1981

The Wildlife and Countryside
(Definitive Maps and Statements)
Regulations 1993

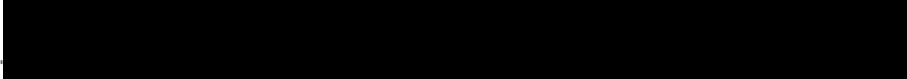
PUBLIC RIGHTS OF WAY EVIDENCE FORM

1. Surname: Mr, Mrs, Miss ~~Miss~~ Pullen

Christian names: Gordon

Age:(if over 21 write "over 21") over 21

Telephone N^o..... If you are prepared to give your telephone N^o it will greatly assist the Rights of Way staff in arranging interviews following the submission of your evidence.

2. Address: 



3. Occupation: Care Supervisor

4. Name or route of path LEADING TO OGILVIE TEE OVER EMBANKMENT

5. National Grid References (ends of path) SD1202 + WA81052 NOS 10/12 TO NO 4
LAND REGISTRY NO NO 20 TO MAIN ROAD

6. Type of path Footpath* /Bridleway* /Byway open to all traffic*.

7. Do you regard the path as public (SEE NOTE 2): Yes/~~No~~

8. Is the path well defined: Yes/~~No~~

9. How long have you known the path: 22 yrs

10. Over what period have you used the path on foot, horseback, or motor vehicle, (state which).

22 yrs

11. How often over the period have you used the path: REGULAR
12. For what purpose did you use the path: ACCESS TO VARIOUS LOCATIONS
13. Details of any stiles, handgates, field gates, bridges, notices, direction signs, warning signs, obstructions etc.
HAND GATES TO PARC CUM DARRIN
14. Name of Owner(s) or Tenant (s), if known: MR SHENKEROV
YSGWYDD GWYN UCHAL FARM DERI
15. Have you ever been employed by, or a tenant of, the owner of the land affected by the path: ~~YES~~* NO.
16. Have you ever seen other people using the same route ie, Locals, strangers, Both. If so were they on foot, horseback in a vehicle
LOCALS AND STRANGERS ON FOOT
17. Have you always followed the same route. If not when was it changed and if known by whom:
ALWAYS FOLLOWED SAME ROUTE
18. Did you ever seek or get permission to use the route. If so from whom:
NO
19. Have you, or to your knowledge has anyone, been stopped or turned back:
NO
20. Were you ever told by any owner or occupier or by their employee that the route was not public:
NO

21. Has your use of the route ever been in exercise of some private right, such as visiting someone who lived along the route, going to your own land or property, or delivering goods:

YES

22. Is there to your knowledge evidence to support your claim eg, Enclosure Awards, Tithe Maps, Railway Maps:

YES

23. Is the route or any part of it enclosed between boundaries, ie hedges, fences, ditches, walls:

NO

Any further information.....

DATE: 2-2-97

SIGNATURE OF USER MAKING STATEMENT.....

SIGNATURE OF PERSON TAKING STATEMENT(ie CLAIMANT).....
(FOR USE ONLY WITH A GROUP CLAIM – SEE NOTE ON FORM W.C.A.2).


CAERPHILLY COUNTY BOROUGH COUNCIL

FORM W.C.A.8A

WILDLIFE AND COUNTRYSIDE ACT 1981

The Wildlife and Countryside
(Definitive Maps and Statements)
Regulations 1993

PUBLIC RIGHTS OF WAY EVIDENCE FORM

1. Surname: ~~Mr, Mrs, Miss~~ MR. RAPER
Christian names:
Age: (if over 21 write "over 21") over 21
Telephone N° If you are prepared to give your telephone N° it will greatly assist the Rights of Way staff in arranging interviews following the submission of your evidence.
2. Address: 
.....
.....
3. Occupation: RETIRED
4. Name or route of path:
5. National Grid References (ends of path):
6. Type of path: Footpath* /Bridleway* /Byway open to all traffic*.
7. Do you regard the path as public (SEE NOTE 2): Yes/No
8. Is the path well defined: Yes/No
9. How long have you known the path: 9 yrs
10. Over what period have you used the path on foot, ~~horseback~~, or motor vehicle, (state which).
9 yrs

11. How often over the period have you used the path: REGULARLY
12. For what purpose did you use the path: To MAIN RD
13. Details of any stiles, handgates, field gates, bridges, notices, direction signs, warning signs, obstructions etc.
NONE
14. Name of Owner(s) or Tenant (s), if known: C. MARSHALL SEA
15. Have you ever been employed by, or a tenant of, the owner of the land affected by the path: Yes/No*
16. Have you ever seen other people using the same route ie, Locals, strangers, Both. If so were they on foot, ~~horseback~~ in a vehicle
YES
17. Have you always followed the same route. If not when was it changed and if known by whom:
YES
18. Did you ever seek or get permission to use the route. If so from whom:
No
19. Have you, or to your knowledge has anyone, been stopped or turned back:
No
20. Were you ever told by any owner or occupier or by their employee that the route was not public:
No

21. Has your use of the route ever been in exercise of some private right, such as visiting someone who lived along the route, going to your own land or property, or delivering goods:

yes: OFTEN

22. Is there to your knowledge evidence to support your claim eg, Enclosure Awards, Tithe Maps, Railway Maps:

23. Is the route or any part of it enclosed between boundaries, ie hedges, fences, ditches, walls:

No

Any further information Used by most PEOPLE

DATE: 31-1-97

SIGNATURE OF USER MAKING STATEMENT

SIGNATURE OF PERSON TAKING STATEMENT(ie CLAIMANT)
(FOR USE ONLY WITH A GROUP CLAIM – SEE NOTE ON FORM W.C.A.2).

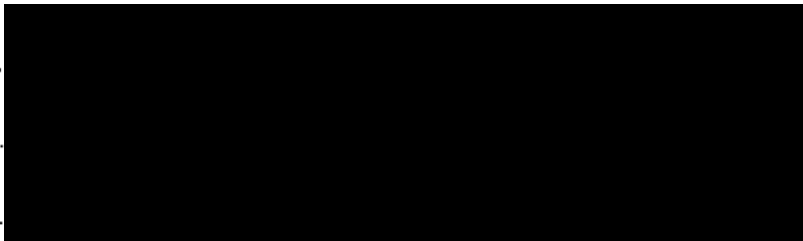
CAERPHILLY COUNTY BOROUGH COUNCIL

FORM W.C.A.8A

WILDLIFE AND COUNTRYSIDE ACT 1981

The Wildlife and Countryside
(Definitive Maps and Statements)
Regulations 1993

PUBLIC RIGHTS OF WAY EVIDENCE FORM

1. Surname: ~~Mr & Mrs~~ EVANS
Christian names: WAYNE + JULIE
Age:(if over 21 write "over 21") "OVER 21"
Telephone N°..... If you are prepared to give your telephone N° it will greatly assist the Rights of Way staff in arranging interviews following the submission of your evidence.
2. Address:.....
.....
.....

3. Occupation: SHOP PROPRIETOR
4. Name or route of path: Footpath of OGILVIE TERRACE To main Road
5. National Grid References (ends of path) SO 12 02
6. Type of path (Footpath* /Bridleway* /Byway open to all traffic*.
7. Do you regard the path as public (SEE NOTE 2): Yes/~~No~~
8. Is the path well defined: Yes/~~No~~
9. How long have you known the path: Since Jan 1988
10. Over what period have you used the path on foot, horseback, or motor vehicle, (state which).
The footpath is used at all times by foot and also by motor vehicle when needed.

11. How often over the period have you used the path: On a very regular basis
12. For what purpose did you use the path: Access to main road
13. Details of any stiles, handgates, field gates, bridges, notices, direction signs, warning signs, obstructions etc.

N/A.

14. Name of Owner(s) or Tenant (s), if known: Mr. Colin Marshallsea
Oakfields Ogwie Terrace, Der. Bargoed.

15. Have you ever been employed by, or a tenant of, the owner of the land affected by the path: Yes/No*
16. Have you ever seen other people using the same route ie, Locals, strangers, Both. If so were they on foot, horseback in a vehicle

Both locals + strangers use the path on foot, sometimes by motor vehicle and horse back.

17. Have you always followed the same route. If not when was it changed and if known by whom:

Yes.

18. Did you ever seek or get permission to use the route. If so from whom:

No.

19. Have you, or to your knowledge has anyone, been stopped or turned back:

No.

20. Were you ever told by any owner or occupier or by their employee that the route was not public:

No.

21. Has your use of the route ever been in exercise of some private right, such as visiting someone who lived along the route, going to your own land or property, or delivering goods:

yes.
.....
.....
.....

22. Is there to your knowledge evidence to support your claim eg, Enclosure Awards, Tithe Maps, Railway Maps:

NOT AWARE
.....
.....
.....

23. Is the route or any part of it enclosed between boundaries, ie hedges, fences, ditches, walls:

no
.....
.....

Any further information.....
.....
.....
.....

DATE: 3/2/1997

SIGNATURE OF USER MAKING STATEMENT.

SIGNATURE OF PERSON TAKING STATEMENT(ie CLAIMANT).....
(FOR USE ONLY WITH A GROUP CLAIM - SEE NOTE ON FORM W.C.A.2).

CAERPHILLY COUNTY BOROUGH COUNCIL

FORM W.C.A.8A

WILDLIFE AND COUNTRYSIDE ACT 1981

The Wildlife and Countryside
(Definitive Maps and Statements)
Regulations 1993

PUBLIC RIGHTS OF WAY EVIDENCE FORM

1. Surname: Mr, Mrs, Miss..... MR & MRS D. COLES
Christian names: David Coles & Miriam Coles
Age: (if over 21 write "over 21")..... Over 21
Telephone N°..... If you are prepared to give your telephone N° it will greatly assist the Rights of Way staff in arranging interviews following the submission of your evidence.
Address:.....
.....
.....
Occupation: Retired
Name or route of path..... ① Path leading from number 20 Ogilby ^{Jarvis} down to the main road.
National Grid References (ends of path)..... ② Front path existing in the front of all these houses. (The only means of front access)
Type of path: Footpath* /Bridleway* /Byway open to all traffic*..... Footpath
Do you regard the path as public (SEE NOTE 2): Yes/No..... Yes.
Is the path well defined: Yes/No..... Yes.
How long have you known the path:..... M. Coles: - Over 40 years D. Coles: - 70 yrs
Over what period have you used the path on foot, horseback, or motor vehicle, (state which).
Forty years. On foot, (See below.) chiefly.
The path ② in front of this house, has been used as a footpath, and also for deliveries of furniture etc and household goods, as it is our only front access path. The path is very steep and therefore difficult for deliveries etc. Children also use the path on foot and on bicycles.

11. How often over the period have you used the path: *Most days*
12. For what purpose did you use the path: *for front access to house from main road*
13. Details of any stiles, handgates, field gates, bridges, notices, direction signs, warning signs, obstructions etc.
None.
14. Name of Owner(s) or Tenant (s), if known: *N.B. Known, definitely. Land has been recently purchased by Mr. John Marshallsea from Mr Shekerson. I don't know definitely boundaries involved*
15. Have you ever been employed by, or a tenant of, the owner of the land affected by the path: Yes/No* *No.*
16. Have you ever seen other people using the same route ie, Locals, strangers, Both. If so were they on foot, horseback in a vehicle
Yes:- locals and strangers; usually on foot, unless using the path for deliveries etc.
17. Have you always followed the same route. If not when was it changed and if known by whom:
Yes
18. Did you ever seek or get permission to use the route. If so from whom:
No, it has always been used for the purposes previously mentioned
19. Have you, or to your knowledge has anyone, been stopped or turned back:
No.
20. Were you ever told by any owner or occupier or by their employee that the route was not public:
No

21. Has your use of the route ever been in exercise of some private right, such as visiting someone who lived along the route, going to your own land or property, or delivering goods:

Yes, for all the above-mentioned purposes.

22. Is there to your knowledge evidence to support your claim eg, Enclosure Awards, Tithe Maps, Railway Maps:

No.

23. Is the route or any part of it enclosed between boundaries, ie hedges, fences, ditches, walls:

No.

Any further information.....

DATE: Feb 3rd 1997.

SIGNATURE OF USER MAKING STATEMENT.....

SIGNATURE OF PERSON TAKING STATEMENT (ie CLAIMANT).....
(FOR USE ONLY WITH A GROUP CLAIM - SEE NOTE ON FORM W.C.A.2).

CAERPHILLY COUNTY BOROUGH COUNCIL

FORM W.C.A.8A

WILDLIFE AND COUNTRYSIDE ACT 1981

The Wildlife and Countryside
(Definitive Maps and Statements)
Regulations 1993

PUBLIC RIGHTS OF WAY EVIDENCE FORM

1. Surname: Mr, Mrs, Miss John

Christian names: Graham

Age:(if over 21 write "over 21") 52

Telephone N°..... If you are prepared to give your telephone N° it will greatly assist the Rights of Way staff in arranging interviews following the submission of your evidence.

2. Address:.....
.....
.....


3. Occupation:.....

4. Name or route of path..... Ogilvia Main Road to Fenny

5. National Grid References (ends of path).....

6. Type of path:Footpath* ~~Bridleway*~~ /Byway open to all traffic*.

7. Do you regard the path as public (SEE NOTE 2): Yes/~~No~~

8. Is the path well defined: Yes/~~No~~

9. How long have you known the path:..... 52 yrs

10. Over what period have you used the path on foot, horseback, or motor vehicle, (state which).
..... Foot path

11. How often over the period have you used the path: Weekly
12. For what purpose did you use the path: visiting the Lura
13. Details of any stiles, handgates, field gates, bridges, notices, direction signs, warning signs, obstructions etc.
None
14. Name of Owner(s) or Tenant (s), if known: Mr C Marshall
15. Have you ever been employed by, or a tenant of, the owner of the land affected by the path: Yes/No* No
16. Have you ever seen other people using the same route ie, Locals, strangers, Both. If so were they on foot, horseback in a vehicle
Yes
17. Have you always followed the same route. If not when was it changed and if known by whom:
Yes
18. Did you ever seek or get permission to use the route. If so from whom:
No
19. Have you, or to your knowledge has anyone, been stopped or turned back:
No
20. Were you ever told by any owner or occupier or by their employee that the route was not public:
No

21. Has your use of the route ever been in exercise of some private right, such as visiting someone who lived along the route, going to your own land or property, or delivering goods:

YES

visiting someone.

22. Is there to your knowledge evidence to support your claim eg, Enclosure Awards, Tithes Maps, Railway Maps:

yes

23. Is the route or any part of it enclosed between boundaries, ie hedges, fences, ditches, walls:

no

Any further information.....

This path is used

Daily

DATE:

2-2-97

SIGNATURE OF USER MAKING STATEMENT.....

SIGNATURE OF PERSON TAKING STATEMENT(ie CLAIMANT).....

(FOR USE ONLY WITH A GROUP CLAIM - SEE NOTE ON FORM W.C.A.2).

CAERPHELLY COUNTY BOROUGH COUNCIL

FORM W.C.A.8A

WILDLIFE AND COUNTRYSIDE ACT 1981

The Wildlife and Countryside
(Definitive Maps and Statements)
Regulations 1993

PUBLIC RIGHTS OF WAY EVIDENCE FORM

1. Surname: Mr, Mrs, Miss..... WILLIAMS
Christian names: JOHN HOWARD
Age: (if over 21 write "over 21")..... OVER 21
Telephone N°..... . If you are prepared to give your telephone N° it will greatly assist the Rights of Way staff in arranging interviews following the submission of your evidence.
2. Address:.....
.....
.....
3. Occupation:..... STEEL WORKER
ALSO FROM NO 24 TO 1234 & 5
4. Name or route of path..... FROM NO 20 OGILVIE TO MAIN ROAD
5. National Grid References (ends of path)..... SD1202
6. Type of path: Footpath* /Bridleway* /Byway open to all traffic*.
7. Do you regard the path as public (SEE NOTE 2): Yes/~~No~~
8. Is the path well defined: Yes/~~No~~
9. How long have you known the path:..... 20 YEARS
10. Over what period have you used the path on foot, horseback, or motor vehicle, (state which).
THE PATH FROM NO 20 TO MAIN ROAD 20 YEARS
THE PATH FROM NO 18 T. 11 DOWN TO 123 & 4
ON FOOT AND MOTOR VEHICLE WHEN NEEDED FOR 20 YEARS

11. How often over the period have you used the path: REGULAR
12. For what purpose did you use the path: ACCESS TO MAIN ROAD
13. Details of any stiles, handgates, field gates, bridges, notices, direction signs, warning signs, obstructions etc.
NONE
14. Name of Owner(s) or Tenant (s), if known: MR C MARSHALLSEA.
ORRIFIELDS, OGILVIE TERRACE DEPT
15. Have you ever been employed by, or a tenant of, the owner of the land affected by the path: ~~Yes~~/No*
16. Have you ever seen other people using the same route ie, Locals, strangers, Both. If so were they on foot, horseback in a vehicle
MOSTLY ON FOOT EVERY DAY MOTOR VEHICLE WHEN NEEDED RARELY ON HORSEBACK
17. Have you always followed the same route. If not when was it changed and if known by whom:
always
18. Did you ever seek or get permission to use the route. If so from whom:
NO ALWAYS BEEN USED SINCE THE HOUSES AS BEEN BUILT
19. Have you, or to your knowledge has anyone, been stopped or turned back:
NEVER.
20. Were you ever told by any owner or occupier or by their employee that the route was not public:
NO

21. Has your use of the route ever been in exercise of some private right, such as visiting someone who lived along the route, going to your own land or property, or delivering goods:

YES many times

22. Is there to your knowledge evidence to support your claim eg, Enclosure Awards, Tithe Maps, Railway Maps:

DONT KNOW.

23. Is the route or any part of it enclosed between boundaries, ie hedges, fences, ditches, walls:

NO

Any further information.....

DATE: 3/2/97

SIGNATURE OF USER MAKING STATEMENT.....

SIGNATURE OF PERSON TAKING STATEMENT(ie CLAIMANT).....
(FOR USE ONLY WITH A GROUP CLAIM – SEE NOTE ON FORM W.C.A.2).

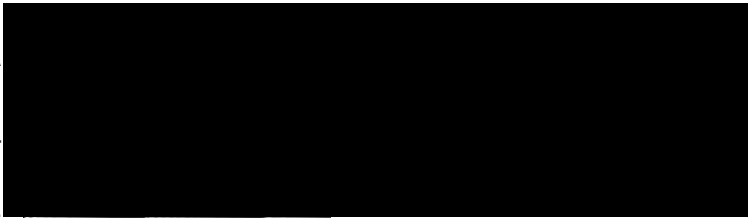
CAERPHILLY COUNTY BOROUGH COUNCIL

FORM W.C.A.8A

WILDLIFE AND COUNTRYSIDE ACT 1981

The Wildlife and Countryside
(Definitive Maps and Statements)
Regulations 1993

PUBLIC RIGHTS OF WAY EVIDENCE FORM

1. Surname: ~~Mr~~, Mrs, ~~Miss~~..... GERRISH
Christian names: DONNA DENISE
Age: (if over 21 write "over 21")..... OVER 21
Telephone N°..... If you are prepared to give your telephone N° it will greatly assist the Rights of Way staff in arranging interviews following the submission of your evidence.
2. Address:.....

3. Occupation:..... SELF EMPLOYED
4. Name or route of path.....
5. National Grid References (ends of path).....
6. Type of path: Footpath* /Bridleway* /Byway open to all traffic*.
7. Do you regard the path as public (SEE NOTE 2): Yes/~~No~~
8. Is the path well defined: Yes/~~No~~
9. How long have you known the path:..... 19 YRS
10. Over what period have you used the path on foot, horseback, or motor vehicle, (state which).
1978 TO PRESENT DAY ON FOOT

11. How often over the period have you used the path: DAILY
12. For what purpose did you use the path: ACCESS TO NEIGHBOURS WALKING TO LAKE
13. Details of any stiles, handgates, field gates, bridges, notices, direction signs, warning signs, obstructions etc.
NONE
14. Name of Owner(s) or Tenant (s), if known: C Marshallsea
15. Have you ever been employed by, or a tenant of, the owner of the land affected by the path: Yes/No*
16. Have you ever seen other people using the same route ie, Locals, strangers, Both. If so were they on foot, horseback in a vehicle
Yes Both ON FOOT
17. Have you always followed the same route. If not when was it changed and if known by whom:
Yes
18. Did you ever seek or get permission to use the route. If so from whom:
No
19. Have you, or to your knowledge has anyone, been stopped or turned back:
No
20. Were you ever told by any owner or occupier or by their employee that the route was not public:
No

21. Has your use of the route ever been in exercise of some private right, such as visiting someone who lived along the route, going to your own land or property, or delivering goods:

No

22. Is there to your knowledge evidence to support your claim eg, Enclosure Awards, Tithe Maps, Railway Maps:

Not Aware of

23. Is the route or any part of it enclosed between boundaries, ie hedges, fences, ditches, walls:

No

Any further information

This Path Has been
used CONSTANTLY

DATE:

1/2/97

SIGNATURE OF USER MAKING STATEMENT.

SIGNATURE OF PERSON TAKING STATEMENT (ie CLAIMANT)

(FOR USE ONLY WITH A GROUP CLAIM - SEE NOTE ON FORM W.C.A.2).


CAERPHILLY COUNTY BOROUGH COUNCIL

FORM W.C.A.8A

WILDLIFE AND COUNTRYSIDE ACT 1981

The Wildlife and Countryside
(Definitive Maps and Statements)
Regulations 1993

PUBLIC RIGHTS OF WAY EVIDENCE FORM

1. Surname: Mr, Mrs, Miss BANKS.....
Christian names: JOANNE BANKS KATHRYN.....
Age: (if over 21 write "over 21") 18.....
Telephone N°..... If you are prepared to give your telephone N° it will greatly assist the Rights of Way staff in arranging interviews following the submission of your evidence.
2. Address: .....
.....
.....
3. Occupation: STUDENT.....
4. Name or route of path.....
5. National Grid References (ends of path).....
6. Type of path: Footpath* / Bridleway* / Byway open to all traffic*.....
7. Do you regard the path as public (SEE NOTE 2): Yes No
8. Is the path well defined: Yes No
9. How long have you known the path: ~~17 yrs~~ ^{11 yrs} Jan 86 to present day.....
10. Over what period have you used the path on foot, horseback, or motor vehicle, (state which).
10 days Jan 86 to present day.....

11. How often over the period have you used the path: Daily
12. For what purpose did you use the path: Walking Dogs access to friends and neighbours houses
13. Details of any stiles, handgates, field gates, bridges, notices, direction signs, warning signs, obstructions etc.

14. Name of Owner(s) or Tenant (s), if known:

C MARSHALLSIA

15. Have you ever been employed by, or a tenant of, the owner of the land affected by the path: Yes No

16. Have you ever seen other people using the same route ie, Locals, strangers, Both. If so were they on foot, horseback in a vehicle

Walking

17. Have you always followed the same route. If not when was it changed and if known by whom:

18. Did you ever seek or get permission to use the route. If so from whom:

No

19. Have you, or to your knowledge has anyone, been stopped or turned back:

No

20. Were you ever told by any owner or occupier or by their employee that the route was not public:

No

21. Has your use of the route ever been in exercise of some private right, such as visiting someone who lived along the route, going to your own land or property, or delivering goods:

Yes. Visiting Someone who lived along the route.

22. Is there to your knowledge evidence to support your claim eg, Enclosure Awards, Tithe Maps, Railway Maps:

23. Is the route or any part of it enclosed between boundaries, ie hedges, fences, ditches, walls:

no

Any further information..... USED DAILY

DATE: 2.12.1977

SIGNATURE OF USER MAKING STATEMENT.....

SIGNATURE OF PERSON TAKING STATEMENT(ie CLAIMANT).....
(FOR USE ONLY WITH A GROUP CLAIM - SEE NOTE ON FORM W.C.A.2).

CAERPHILLY COUNTY BOROUGH COUNCIL

FORM W.C.A.8A

WILDLIFE AND COUNTRYSIDE ACT 1981

The Wildlife and Countryside
(Definitive Maps and Statements)
Regulations 1993

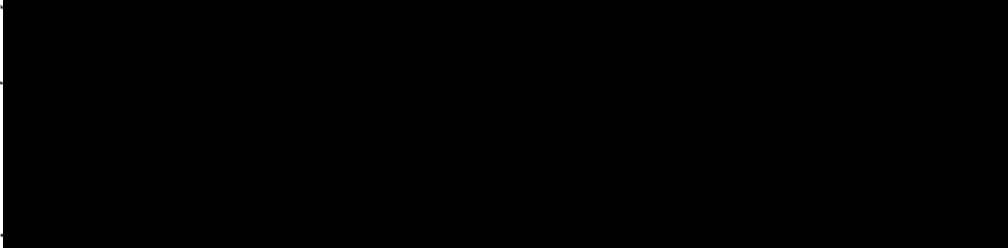
PUBLIC RIGHTS OF WAY EVIDENCE FORM

1. Surname: ^{Mr} ~~Mr~~, ^{Miss} ~~Mrs~~, Miss PRICE PRICE

Christian names: VALMAI DAVID

Age: (if over 21 write "over 21") over 21

Telephone N°: If you are prepared to give your telephone N° it will greatly assist the Rights of Way staff in arranging interviews following the submission of your evidence.

2. Address: 

3. Occupation: HOUSEWIFE, ARMATURE WINDER

4. Name or route of path.....

5. National Grid References (ends of path).....

6. Type of path: Footpath* / Bridleway* / Byway open to all traffic*.

7. Do you regard the path as public (SEE NOTE 2): Yes/~~No~~

8. Is the path well defined: Yes/~~No~~

9. How long have you known the path: OVER 40 years

10. Over what period have you used the path on foot, horseback, or motor vehicle, (state which).
OVER 40 years

11. How often over the period have you used the path: Weekly
12. For what purpose did you use the path: As short cut to home
13. Details of any stiles, handgates, field gates, bridges, notices, direction signs, warning signs, obstructions etc.
None
14. Name of Owner(s) or Tenant (s), if known: MR
15. Have you ever been employed by, or a tenant of, the owner of the land affected by the path: ~~Yes~~/No*
16. Have you ever seen other people using the same route ie, Locals, strangers, Both. If so were they on foot, horseback in a vehicle
ON Foot
17. Have you always followed the same route. If not when was it changed and if known by whom:
yes
18. Did you ever seek or get permission to use the route. If so from whom:
No
19. Have you, or to your knowledge has anyone, been stopped or turned back:
No
20. Were you ever told by any owner or occupier or by their employee that the route was not public:
No

21. Has your use of the route ever been in exercise of some private right, such as visiting someone who lived along the route, going to your own land or property, or delivering goods:

Going home.
.....
.....
.....

22. Is there to your knowledge evidence to support your claim eg, Enclosure Awards, Tithe Maps, Railway Maps:

.....
.....
.....

23. Is the route or any part of it enclosed between boundaries, ie hedges, fences, ditches, walls:

No.
.....
.....

Any further information.....
.....
.....
.....

DATE: 1-2-97

SIGNATURE OF USER MAKING STATEMENT.....

SIGNATURE OF PERSON TAKING STATEMENT(ie CLAIMANT).....

(FOR USE ONLY WITH A GROUP CLAIM - SEE NOTE ON FORM W.C.A.2).

CAERPHILLY COUNTY BOROUGH COUNCIL

FORM W.C.A.8A

WILDLIFE AND COUNTRYSIDE ACT 1981

The Wildlife and Countryside
(Definitive Maps and Statements)
Regulations 1993

PUBLIC RIGHTS OF WAY EVIDENCE FORM

1. Surname: ~~Mr~~, Mrs, Miss Hewell
Christian names: Bernice Anne
Age: (if over 21 write "over 21") Over 21

Telephone N^o..... If you are prepared to give your telephone N^o it will greatly assist the Rights of Way staff in arranging interviews following the submission of your evidence.

2. Address:.....
.....
.....

3. Occupation: Housewife

4. Name or route of path: From the footpath at the frontage of Ogilvie See
Path A. from NO 30 to Main Road / 2 from NO 12/13

5. National Grid References (ends of path): MARKED on OS 1202
Section A dated 1976 On Land Registry Map 4 Ogilvie See.

6. Type of path: Footpath* / ~~Bridleway*~~ / ~~Byway open to all traffic*~~

7. Do you regard the path as public (SEE NOTE 2): Yes/~~No~~ Definitely Yes
The land was owned by MR SHENKEROV in FEB 1999

8. Is the path well defined: Yes/~~No~~

9. How long have you known the path: Path A. 40 years. access to Pit Road
now road to Brown Down Park

10. Over what period have you used the path on foot, horseback, or motor vehicle, (state which).
at least the same NO of years for Path B*

as long as I can remember approx 70 years

I have lived in the area for 73 years & I can always remember using the paths for access to main Barged to Sochnow Road. where the bus shelter is situated & also the Post Box, & until recently a Telephone Kiosk

11. How often over the period have you used the path: Every week

12. For what purpose did you use the path: for Access

13. Details of any stiles, handgates, field gates, bridges, notices, direction signs, warning signs, obstructions etc.

NONE

14. Name of Owner(s) or Tenant (s), if known: MR SHENKEROU: YSCWYDID GWYN

UCHAF FARM, DERI, recently sold to MR COLIN MARSHALL

"DARKLANDS" DOLWIE TŶC, DERI, BARCOED

15. Have you ever been employed by, or a tenant of, the owner of the land affected by the path: Yes/No* No
Ownership of MR Shenkerou

When I wrote to Land Registry in Feb 1996 the land was in the

16. Have you ever seen other people using the same route ie, Locals, strangers, Both. If so were they on foot, horseback in a vehicle

The path is very often used by all members of the public - locals, visitors, delivery men, postmen etc.

17. Have you always followed the same route. If not when was it changed and if known by whom:

Yes

18. Did you ever seek or get permission to use the route. If so from whom:

No

19. Have you, or to your knowledge has anyone, been stopped or turned back:

No

20. Were you ever told by any owner or occupier or by their employee that the route was not public:

No

21. Has your use of the route ever been in exercise of some private right, such as visiting someone who lived along the route, going to your own land or property, or delivering goods:

Yes

22. Is there to your knowledge evidence to support your claim eg, Enclosure Awards, Tithe Maps, Railway Maps:

O/S maps & Right of Way - especially from N/B Ogilvie to N° 4 Ogilvie I understand that land is still in the ownership of N° Shenkerov

23. Is the route or any part of it enclosed between boundaries, ie hedges, fences, ditches, walls:

No

Any further information: On the map received from Land Registry

the path from N° 10/13 Ogilvie is clearly marked. The "right of way" ^{"FROM DO OGILVIE TCE TO MAIN ROAD"} not marked on the O/S but is clearly visible as been walked on for a considerable period of time.

DATE: Feb 1st 1997

SIGNATURE OF USER MAKING STATEMENT.....

SIGNATURE OF PERSON TAKING STATEMENT (ie CLAIMANT).....
(FOR USE ONLY WITH A GROUP CLAIM - SEE NOTE ON FORM W.C.A.2).

I have been trying to get the paths recognised by the old MID CLAM + RV District Council for the last 10 years I have letters in my possession to prove this. The answer I always received was nothing could be done because the land was in private ownership. I've also got letters from Ted Rowlands regarding permission for a path. No one has ever quoted the Highways Act of 1980 until now!



Caerphilly County Borough Council,
Pontllanfraith,
Blackwood, NP2 2YW,
Tel. 01495 226622 or Fax 01495 222468

TOWN & COUNTRY PLANNING ACT 1990
TOWN & COUNTY PLANNING (GENERAL DEVELOPMENT PROCEDURE) ORDER 1995

PERMISSION FOR DEVELOPMENT

APPLICATION NO: P/96/0863

APPLICANT



AGENT

WHEREAS on 19/12/96 you submitted an application for permission to
ERECT BUNGALOW
at
LAND ADJ. TO OAKFIELDS, OGILVIE TERRACE, DERI, BARGOED, MID GLAM.
(hereinafter called "the development").

The Caerphilly County Borough Council, as the Local Planning Authority hereby
PERMITS the development.

This permission is subject to the following condition(s):-

- (1) The development hereby permitted shall be begun before the expiration of five years from the date of this permission.
- (2) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that order) the garages approved as part of this development shall not be physically altered or converted to any other domestic purpose without the prior approval of the Local Planning Authority. The garages shall be available at all times for the parking of motor vehicles associated with the residential use of the dwellings hereby approved.
- (3) The existing access via Ogilvie Terrace serving Oakfields shall be permanently stopped-up in a manner to be agreed with the Local Planning Authority prior to the beneficial occupation of the development hereby approved.
- (4) The proposed means of access shall be laid-out, constructed and maintained thereafter, with vision splays of 2.4m x 90m to the left and 2.4m x 60m to the right of the proposed access prior to beneficial occupation of the development hereby approved.



Caerphilly County Borough Council,
Pontllanfraith,
Blackwood, NP2 2YW,
Tel. 01495 226622 or Fax 01495 222468


TOWN & COUNTRY PLANNING ACT 1990
TOWN & COUNTY PLANNING (GENERAL DEVELOPMENT PROCEDURE) ORDER 1995

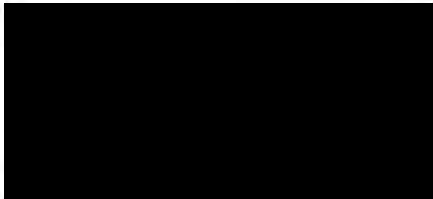
- (5) No obstruction, or planting when mature, exceeding 900mm in height shall be placed within the required vision splay areas.
- X (6) No other development shall commence on site until such time as the access to serve the proposed development has been completed in material as approved by the Local Planning Authority.
- X (7) The constructional details and calculations of all retaining walls shall be forwarded to the Local Planning Authority for approval, and such details as are approved shall be carried out in full, before the dwelling is occupied.
- X (8) Details of external finishes shall be agreed to in writing with the Local Planning Authority before the commencement of the development.
- X (9) Before any development commences the developer shall carry out an investigation of the underground strata (the results of which shall be submitted to the Local Planning Authority) in order to satisfy himself as to the stability of the site and the measures which should be taken to mitigate against the risk of subsidence. Details of the design of the foundations of the proposed building(s) and/or proposals for ground treatment shall take account of the result of the investigation and shall be submitted to and agreed with the Local Planning Authority before development commences. The foundations and/or ground treatment shall thereafter be completed in accord with such details as may be approved.
- X (10) Details of the means of enclosure of the site shall be submitted to and approved by the Local Planning Authority prior to commencement of development on site.

The reason(s) for the Council's decision is/are:-

- (1) To comply with the provisions of Section 91 of the Town and Country Planning Act 1990.
- (2) To maintain adequate off-street parking in the interests of highway safety.
- (3-6) In the interests of highway safety.
- (7) To ensure stability of the site.
- (8&10) In the interests of visual amenity.
- (9) To safeguard the buildings against the risk of damage from surface subsidence due to underground mining.

DATED:06/02/97


CHIEF PLANNING OFFICER



ERECT BUNGALOW
OAKFIELDS,
LAND ADJ. TO OAKFIELDS,
OGILVIE TERRACE,
DERI, BARGOED, MID GLAM.

APPLICATION TYPE : FULL APPLICATION

This is a full planning application seeking consent for the construction of a split level bungalow adjacent to a recently constructed dwelling at the above site. The dwelling measures 6.5m x 17.5m and consists of a full width lounge, kitchen/dining utility room, study, bathroom and two bedrooms. At the lower level is a garage to the full width of the dwelling. The property is sited in a north-south orientation, parallel to the highway. Access to the site is via a central point of access off the main classified road. This access is also indicated as serving Oakfields, which is a recently constructed bungalow, and currently accessed from Ogilvie Terrace. The application proposes accessing both dwellings from the new point of access. The development would require cutting into the bank and retaining work to the highway, and the embankment to Ogilvie Terrace. The elevated position of Ogilvie Terrace is such that the windows facing the terrace on the proposed dwelling would face the embankment.

The Chief Engineer (Highways) raises no objection subject to conditions. In respect of drainage matters, he raises no objection. He, however, advises that the applicant's attention be drawn to the claimed right of way across part of the site. He further conditions that the existing access via Ogilvie Terrace serving Oakfields be permanently stopped-up and in a manner to be agreed with the Local Planning Authority.

The Coal Authority has made no observations to date.

The Darren Valley Community Council raise objection to the proposal on the grounds that the access is restricted and dangerously close to a bend on the road.

British Gas and SWALEC have forwarded plans upon which the presence of apparatus/service pipes are marked.

The Chief Environmental Health Officer raises no objection to the development in principle. However he advises that in the light of the proximity of the site to a former coal mine, appropriate ground investigation be carried out to assess the stability of the site. The adjoining properties were notified of the application, and a site notice was displayed in close proximity to the development. Five letters of objection have been received, the substance of the objections are summarised as follows:-

1. The proposed development would be taking away a path used by the residents of Ogilvie Terrace for many years, from their homes to the main road.
2. The development would narrow the path to Ogilvie Terrace.
3. The difference in levels between the properties in Ogilvie Terrace and that of the proposed bungalow would be such that it would be a hazard, and result in subsidence.
4. The access off the main road itself would be a danger.
5. The land has been used by the children in the area as a play area.

Continued.....

6. In the event of a fire in the area, access over this land would be denied for fire equipment if a bungalow was built upon it.

The above application is within the settlement boundary of Deri, as identified in the Deposit Rhymney Valley Local Plan in which there is a presumption in favour of infill development. Policy H2 states:-

PROPOSALS FOR RESIDENTIAL DEVELOPMENT ON WINDFALL AND SMALL SITES INSIDE SETTLEMENT LIMITS WILL BE PERMITTED PROVIDED THAT:-

- a) THE LAND IS NOT USED OR SUITABLE FOR A DIFFERENT BENEFICIAL PURPOSE, SUCH AS OFF STREET CAR PARKING, OPEN SPACE;
- b) NEIGHBOURING LAND USE WILL NOT DETRACT FROM THE RESIDENTIAL AMENITY OF THE DEVELOPMENT BY WAY OF NUISANCE, NOISE OR OTHER POLLUTION;
- c) THE DEVELOPMENT WOULD NOT RESULT IN INSENSITIVE OR INAPPROPRIATE INFILLING, WHICH WOULD SPOIL THE CHARACTER OF AN EXISTING RESIDENTIAL AREA, PARTICULARLY AREAS CHARACTERISED BY HIGH STANDARDS OF DESIGN AND PRIVACY.

The objections raised to the development refer to an alleged right of way over the site.

This claim has now been formalised in writing to the Chief Engineer (Highways) but does not in itself prejudice the determination of the application, as a right of way can be diverted. The writers also claim that local children have used the area for play. The land is in private ownership and as such its use in this manner would have been on an informal basis, and cannot be formalised as a basis for an objection against development. The site is considered an acceptable form of development in keeping with the above policy. The Chief Engineer raises no objection to the development on highway grounds. The development would form a "rounding-off" of the site at this point, within the settlement boundary. It would not adversely affect the amenities of the properties in Ogilvie Terrace. Detail plans indicate extensive retaining works the details of which have not been forwarded. A condition requiring the approval of such detail prior to any work on site has therefore been recommended by the Council's Structural Engineer. The application is considered acceptable on both policy grounds and development control criteria.

RECOMMENDATION that (A) Permission be GRANTED

This permission is subject to the following condition(s):

- (1) The development hereby permitted shall be begun before the expiration of five years from the date of this permission.
- (2) Notwithstanding the provisions of the Town and Country Planning General Permitted Development) Order 1995 (or any order revoking or re-enacting that order) the garages approved as part of this development shall not be physically altered or converted to any other domestic purpose without the prior approval of the Local Planning Authority. The garages shall be available at all times for the parking of motor vehicles associated with the residential use of the dwellings hereby approved.
- (3) The existing access via Ogilvie Terrace serving Oakfields shall be permanently stopped-up in a manner to be agreed with the Local Planning Authority prior to the beneficial occupation of the development hereby approved.
- (4) The proposed means of access shall be laid-out, constructed and maintained thereafter, with vision splays of 2.4m x 90m to the left and 2.4m x 60m to the right of the proposed access prior to beneficial occupation of the development hereby approved.

Continued.....

P/96/0863 Continued.

(5) No obstruction, or planting when mature, exceeding 900mm in height shall be placed within the required vision splay areas.

(6) No other development shall commence on site until such time as the access to serve the proposed development has been completed in material as approved by the Local Planning Authority.

(7) The constructional details and calculations of all retaining walls shall be forwarded to the Local Planning Authority for approval, and such details as are approved shall be carried out in full, before the dwelling is occupied.

(8) Details of external finishes shall be agreed to in writing with the Local Planning Authority before the commencement of the development.

(9) Before any development commences the developer shall carry out an investigation of the underground strata (the results of which shall be submitted to the Local Planning Authority) in order to satisfy himself as to the stability of the site and the measures which should be taken to mitigate against the risk of subsidence.

Details of the design of the foundations of the proposed building(s) and/or proposals for ground treatment shall take account of the result of the investigation and shall be submitted to and agreed with the Local Planning Authority before development commences. The foundations and/or ground treatment shall thereafter be completed in accord with such details as may be approved.

(10) Details of the means of enclosure of the site shall be submitted to and approved by the Local Planning Authority prior to commencement of development on site.

The reason(s) for the Council's decision is/are:-

(1) To comply with the provisions of Section 91 of the Town and Country Planning Act 1990.

(2) To maintain adequate off-street parking in the interests of highway safety.

(3-6) In the interests of highway safety.

(7) To ensure stability of the site.

(8&10) In the interests of visual amenity.

(9) To safeguard the buildings against the risk of damage from surface subsidence due to underground mining.

(B) The applicant be advised that the site is affected by a claimed right of way.

note

CAERPHILLY COUNTY BOROUGH COUNCIL DIRECTORATE OF TECHNICAL SERVICES	
No.	5409
DATE RECEIVED	13 JAN 1997
DECLASSIFIED	
REFERRED TO	
FILE REF	

Friday Jan. 10 1997

Dear Sir or Madam

Re. your letter for application for Bungalow. ADS. to Oakfields Ogilvie Terr. my observations are that if the Bungalow is built

1 It will be taking away a foot path from Ogilvie Houses which has been used since the houses were built

2 it will also be narrowing the path to Ogilvie Terr front and in the event of a fire there will be no way of getting to

the Hydrant in front of my House

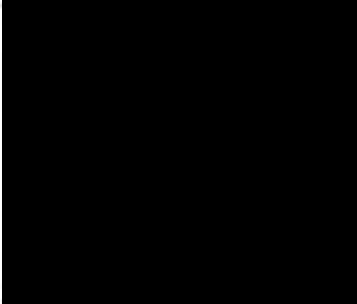
③ The drop that will be in front of my house to the Bungalow will be a hazard and could cause subsidence to Houses being so near.

④ over developing an area which was a nice green belt which was and still is enjoyed by many people and children

⑤ also the road which is proposed on the plans from Bungalows to main Rd. is a danger as it is used by a lot of Traffic and Very heavy Traffic to Depo Below.

Trusting you will give this
my consideration





Mrs M Wickramasinghe

(01495) 235037

(01495) 235013

P/96/0863/ML/PR/ML5408

20 January 1997

Dear Sir

PLANNING APPLICATION NO. P/96/0863
RESIDENTIAL DEVELOPMENT AT LAND ADJACENT TO OAKFIELDS, OGILVIE TERRACE, DERI

I acknowledge receipt of your communication dated 10 January 1997 which is receiving attention.

If your representations are considered to be material to the determination of the planning application they will have to be made available for inspection by the press and general public in accordance with the provisions of the Local Government (Access to Information) Act 1985.

In addition to written representation, the Council may in certain circumstances, allow an objector to address the Committee with regard to a relevant planning application. An objector wishing to speak to the Committee should give 24 hours notice prior to the commencement of the meeting to the Committee Clerk at Caerphilly County Borough Council, Nelson Road, Tredomen, Ystrad Mynach (01443 815588). The Officer shown in the top right-hand corner of this letter will be able to advise when the application is likely to be reported to the Committee.

Where an objector has been allowed to address the Committee the applicant will also be given the opportunity to speak in support of his/her application.

Any representation may only be taken into account if it is based on planning grounds. While it is difficult to be precise what constitutes a relevant planning ground in a particular case, the following may have relevance:-

- (a) Planning Policy Guidance Notes issued by the Welsh Office. A list of current notes available can be obtained from the Development and Planning Department. Individual notes can be purchased from the HMSO.
- (b) Policies contained in the Development Plan.

..../..

- (c) Supplementary planning guidance.
- (d) Highway access, visibility splays and general highway safety.
- (e) Privacy.
- (g) General affects upon the amenity of the adjoining occupiers and neighbourhood.
- (h) Visual impact.

You will be informed of the Planning Authority's decision on the application in due course.

If you are claiming a right of way across the land, you may wish to contact the Footpaths Officer, Adrian Sander of the Highway Department who would be able to advise you.

Yours faithfully,



for DEVELOPMENT CONTROL MANAGER



Mrs M Wickran
(01495) 235037
(01495) 235013

P/96/0863/MW/
20 January 1997

Dear Sir & Madam

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RESIDENTIAL DEVELOPMENT AT LAND ADJACENT TO OAKFIELDS, OGILVIE TERRACE, DERI

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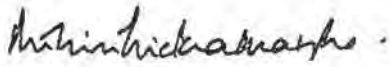
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- (b) Policies contained in the Development Plan.

- (c) Supplementary planning guidance.
- (d) Highway access, visibility splays and general highway safety.
- (e) Privacy.
- (g) General affects upon the amenity of the adjoining occupiers and neighbourhood.
- (h) Visual impact.

You will be informed of the Planning Authority's decision on the application in due course.

If you are claiming a right of way across the land, you may wish to contact the Footpaths Officer, Adrian Sander of the Highway Department who would be able to advise you.

Yours faithfully,



for DEVELOPMENT CONTROL MANAGER

13 JAN 1997

Ogilvie Terrace
Deri,
Barroed.
CF8195B.
Mid Glam.

Jan 11th, 1997.

Ref. no. P/96/0863.
(Town & Country Planning Act 1990)
To Mrs M. Wickramasinghe.

Dear Madam,

We are residents of 18 Ogilvie Terrace, Deri, and having seen the plans of the proposed bungalow, which is to be built on land adjacent to 'Oakfields' Ogilvie Terrace, Deri, we (my husband D. Boles and myself) wish to make the following observations. We are concerned about the following:

- ① Curtailment of at least a half of the front footpath (or, as mentioned in the plans "footway". This is our only front access, and is, of course, frequently used by children, elderly residents, and other delivery services. Our access at the back is also extremely inconvenient, because of steep gardens, and a narrow, often obstructed back road.
- ② The bungalow, which is about to be built, will have, as its foundation, a double garage which will greatly increase its height, and will severely obstruct the view which we have enjoyed for over forty years.
- ③ The pathway, which for many years, has led from the entrance of No. 20, to the main road, is now

As I'm sure you will realize, there will be many undesirable results from these alterations; we therefore hope that you will give our observations (and objections) your serious consideration.

Yours faithfully,



GARRETHLY COLONY TOWN COUNCIL	
DIRECTOR GENERAL SERVICES	
No.	5408
DATE RECEIVED	13 JAN 1997
RECEIVED	
PERMITTED	
FILE NO.	

Jan. 1997

Dear Sir

Re Planning application N^o P/96/0853.

Letter dated 23/12/96. but not received until 30/12/96 due to the Christmas period, which meant a delay of 7 days, also your office was closed for the same period so that plans could not be inspected during that period which means that instead of the 21 days given to object only 14 could be really counted.

I wish to object to the above application because I think the access from the main road is going to be dangerous on an already "black spot" area. It is now virtually impossible for us to walk on the main road because there is no footpath.

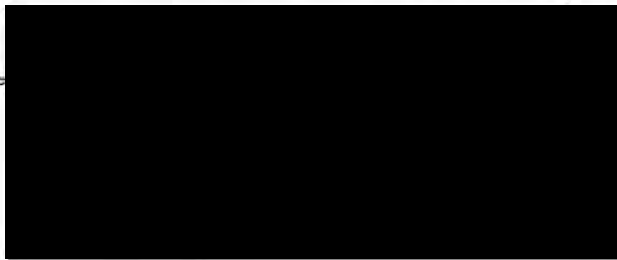
Ogilvie Houses were built for the Powell Duffryn Co. in the 1920's to provide accommodation for the officials of the newly opened mine, to live in. Ogilvie Colliery was opened in 1921. Ever since that date people have walked on the land & by doing so have created a man made path. It has an access to the "pit road" (now the road to Lower Doman Park) where the men walked to their place of work. No one ever objected to this practice until recently. (When the existing bungalow was being built) when I was told that every time I stepped outside my front gate I was trespassing!! There is only one road between the two terraces and in this day & age that road is very congested because most of the people own cars & very few own garages. The entrance to this area is also very dangerous when taking the car to the main road. (2 entrances) & by granting permission it is going to further the danger. Our back gardens are very steep so the front has always been used for access deliveries. This will not stop it being used for any

are left on the main road. This is
her "privilege" which will be taken away

from us. if a bungalow is built

What about the children? if there is to be a
~~new~~ road at the back of the existing bungalow
this will deprive them of the only area left
for them to play on. They usually play on
the land at the rear of 1-4 Ogilvie Terrace

if there is a fire in our property. and the
fire engine cannot have access from the front of
our property (off the main road) & they cannot
cross the "private land" if a bungalow is built
there. We have been made aware of this
hazard for a long time. - especially if a
disaster occurs at night. when all the cars
are parked at the rear of the property. I hope
you will take into consideration the points I have
made.





11th February, 1997.

To the Occupier,

RE: Siting Of Boundary Fence

As owner of the land along the frontage of your property I hereby give notice that work will commence on Saturday 22nd February 1997 to erect my boundary fence.

The fence in question will be continuous in its length along my boundary in accordance with my Title deeds - number WA810524. It will be sited six feet from your front boundary at the height of one metre, which in fact complies with the planning legislation.

In spite of no suggestion within the last three years it has now been brought to my notice that a claim of right of way through a section of land owned by me is being pursued. I categorically refute this as recent land registry searches and archive plans clearly do not indicate any such right of way and also enquiries from the previous owner did not reveal any such claim.

Yours faithfully,



C. G. Marshallsea.

CAERPHELLY COUNTY BOROUGH COUNCIL

FORM W.C.A.5

FORM OF APPLICATION FOR A MODIFICATION ORDER

WILDLIFE AND COUNTRYSIDE ACT 1981

The Wildlife and Countryside
(Definitive Maps and Statements)
Regulations 1993 (Schedule 7)

DEFINITIVE MAP AND STATEMENT

COUNTY BOROUGH OF Caerphilly

COMMUNITY OF DERI

I/We (name of applicant) DAVID CHARLES PRICE

Of (address of applicant) [REDACTED]

Telephone N° (Home)..... (Business).....

hereby apply for an Order under Section 53 (2) of the Wildlife and Countryside Act 1981 modifying the Definitive Map and Statement for the area by:-

1.* Deleting the *(footpath) *(bridleway) *(byway open to all traffic)
shown as N°.....
leading from.....
to.....

OR

2.* Adding the *(footpath) *(bridleway) ~~*(byway open to all traffic)~~
shown as N°.....
leading from OGILVIE TERRACE (NOS 1-4) to
to OGILVIE TERRACE (NOS 10-22)

- 3.* *(Upgrading) *(Downgrading)-to a *(footpath) *(bridleway) *(byway open to all-traffic) the *(footpath) *(bridleway) *(byway open to all-traffic)

shown as N° 1-4 OSILVIE TERRACE DER

leading from 1-4 OSILVIE TERRACE, DER,

to 10-22 OSILVIE TERRACE, DER,

OR

- 4.* *(Varying) *(Adding) to the statement particulars relating to the *(footpath) *(bridleway) *(byway open to all traffic)

shown as N°

leading from

to

(Please state below the modification required)

TO RE-TARMAC EXISTING PATH MAKING

IT SAFE FOR PUSHCHAIRS & WHEELCHAIR

ACCESS BECAUSE THE ENTRANCES TO THE

TOP PATH ARE TOO DANGEROUS FOR PUSHCHAIRS

AND WHEELCHAIR

I/We attach a map and copies of the following documentary evidence (including statements of witnesses) in support of this application:-

List of Documents provided:-

6 PUBLIC RIGHTS OF WAY EVIDENCE

FORMS FROM RESIDENTS

MORE RIGHTS OF WAY EVIDENCE FORMS

CAN BE SUPPLIED IF REQUIRED FROM

OTHER RESIDENTS OF OSILVIE TERRACE DER.

Dated 17/2/98 19... Signed

* Please delete as appropriate

85.28

EXHIBIT 111 N. 1011 11' GRADE TERRACE TO GRADE TO BE BOUND BY THE 11' GRADE

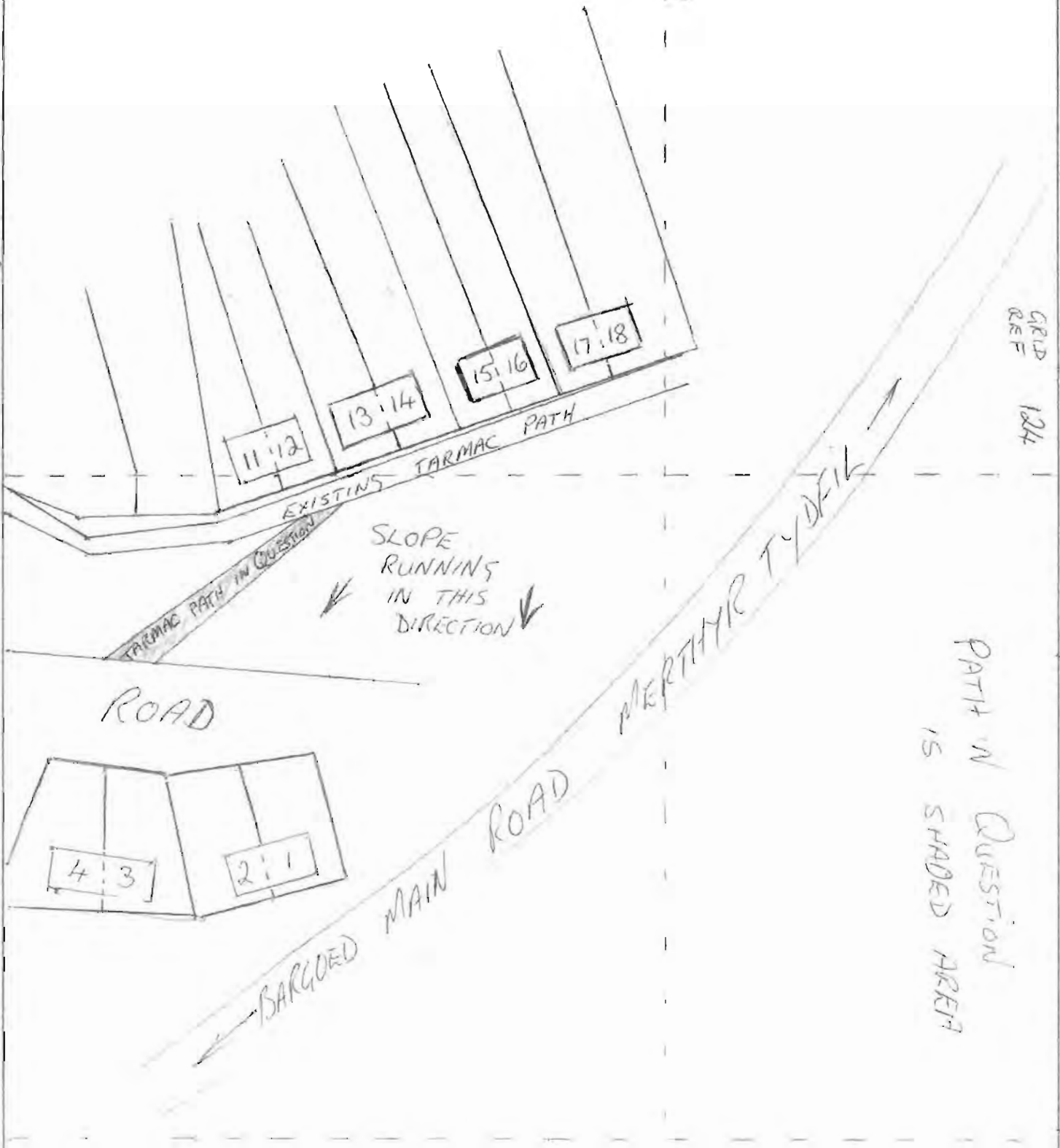
MAP OF PATH LEADING FROM #13 CEMENT TERRACE TO #4 CEMENT TERRACE

GRID 026
REF

GRID 124
REF

GRID 125
REF

GRID 026
REF



CAERPHILLY COUNTY BOROUGH COUNCIL

FORM W.C.A.8A

WILDLIFE AND COUNTRYSIDE ACT 1981

The Wildlife and Countryside
(Definitive Maps and Statements)
Regulations 1993

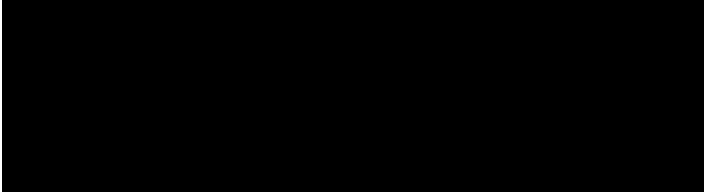
PUBLIC RIGHTS OF WAY EVIDENCE FORM

1. Surname: Mr, Mrs, Miss Mrs HARDACRE

Christian names: DAVID THOMAS

Age:(if over 21 write "over 21") OVER 21

Telephone N° If you are prepared to give your telephone N° it will greatly assist the Rights of Way staff in arranging interviews following the submission of your evidence.

2. Address:.....
.....
.....


3. Occupation: HEALTH, SAFETY AND TRAINING MANAGER

4. Name or route of path: FOOTPATH BETWEEN 1-4 OGBURN TRUNK & UPPER OGBURN TR

5. National Grid References (ends of path) 124 20254 - 12450252

6. Type of path: Footpath* /~~Bridleway*~~ /~~Byway open to all traffic*~~

7. Do you regard the path as public (SEE NOTE 2): Yes/~~No~~

8. Is the path well defined: Yes/~~No~~

9. How long have you known the path: FOR OVER 50 YEARS

10. Over what period have you used the path on foot, horseback, or motor vehicle, (state which).

ON FOOT FOR OVER 50 YEARS THE LAST 19 YEARS SINCE I HAVE RESIDED AT N°10 I AND MY FAMILY USE IT DAILY.

11. How often over the period have you used the path: DAILY
12. For what purpose did you use the path: ACCESS TO MY FRONT ENTRANCE
13. Details of any stiles, handgates, field gates, bridges, notices, direction signs, warning signs, obstructions etc.
NONE
14. Name of Owner(s) or Tenant (s), if known:
MR N. SHENKLENOV
YRGGWYDD GŵYN FARM DERU
15. Have you ever been employed by, or a tenant of, the owner of the land affected by the path: ~~Yes~~/No*
16. Have you ever seen other people using the same route ie, Locals, strangers, Both. If so were they on foot, horseback in a vehicle
YES EVERY DAY REGULARLY IN USE AS A FOOTPATH FOR
ACCESS BY RESIDENTS / VISITORS (ON FOOT) SOMETIMES USED AS VEHICLE
ACCESS
17. Have you always followed the same route. If not when was it changed and if known by whom:
YES
18. Did you ever seek or get permission to use the route. If so from whom:
NO THE PATH HAS ALWAYS BEEN REGARDED AS
A 'RIGHT OF WAY' FOR ACCESS TO OSWIR TERRACE
19. Have you, or to your knowledge has anyone, been stopped or turned back:
NO
20. Were you ever told by any owner or occupier or by their employee that the route was not public:
NO

21. Has your use of the route ever been in exercise of some private right, such as visiting someone who lived along the route, going to your own land or property, or delivering goods:

I HAVE ALWAYS BEEN UNDER THE IMPRESSION THAT THE
PATHWAY WAS A "RIGHT OF WAY" FOR ACCESS TO THE
TERRACE

22. Is there to your knowledge evidence to support your claim eg, Enclosure Awards, Tithe Maps, Railway Maps:

NOT AWARE OF ANY

23. Is the route or any part of it enclosed between boundaries, ie hedges, fences, ditches, walls:

NO, AND HAS NEVER BEEN ENCLOSED BEING AN
OPEN ACCESS AREA.

Any further information... The pathway provides regular access
access to the whole of Ogilvie Terrace whilst the
surrounding area is an area where children have played
safely for many years. I myself have played there as a child
over 30 years ago.

DATE: 16/2/98

SIGNATURE OF USER MAKING STATEMENT.....

SIGNATURE OF PERSON TAKING STATEMENT (ie CLAIMANT).....
(FOR USE ONLY WITH A GROUP CLAIM - SEE NOTE ON FORM W.C.A.2).

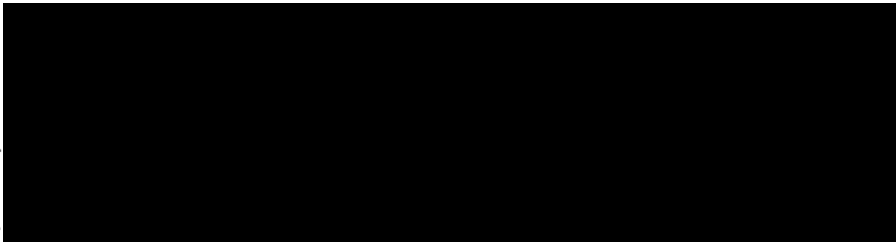
CAERPHILLY COUNTY BOROUGH COUNCIL

FORM W.C.A.8A

WILDLIFE AND COUNTRYSIDE ACT 1981

The Wildlife and Countryside
(Definitive Maps and Statements)
Regulations 1993

PUBLIC RIGHTS OF WAY EVIDENCE FORM

1. Surname: Mr, ~~Mrs~~, ~~Miss~~..... ILES
 Christian names: MICHAEL TERENCE
 Age:(if over 21 write "over 21")..... OVER 21
 Telephone N°..... If you are prepared to give your telephone N° it will greatly assist the Rights of Way staff in arranging interviews following the submission of your evidence.
2. Address:.....

3. Occupation:..... RETIRED MINING ENGINEER
4. Name or route of path..... FOOT PATH
5. National Grid References (ends of path)..... 12420254 - 12450252
6. Type of path:Footpath* /~~Bridleway*~~ /~~Byway open to all traffic*~~.
7. Do you regard the path as public (SEE NOTE 2): Yes/~~No~~
8. Is the path well defined: Yes/~~No~~
9. How long have you known the path:..... 40 YEARS
10. Over what period have you used the path on foot, horseback, or motor vehicle, (state which).
40 YEARS

- 11. How often over the period have you used the path: EVERY DAY
- 12. For what purpose did you use the path: ACCESS TO OGILVIE TERRACE
- 13. Details of any stiles, handgates, field gates, bridges, notices, direction signs, warning signs, obstructions etc.
NONE
- 14. Name of Owner(s) or Tenant (s), if known:
MR BENICK SHENKEROV
YS GWYDD GWYN FARM DERI
- 15. Have you ever been employed by, or a tenant of, the owner of the land affected by the path: ~~Yes~~/No*
- 16. Have you ever seen other people using the same route ie, Locals, strangers, Both. If so were they on foot, horseback in a vehicle
ON FOOT
- 17. Have you always followed the same route. If not when was it changed and if known by whom:
YES
- 18. Did you ever seek or get permission to use the route. If so from whom:
No
- 19. Have you, or to your knowledge has anyone, been stopped or turned back:
No
- 20. Were you ever told by any owner or occupier or by their employee that the route was not public:
No

21. Has your use of the route ever been in exercise of some private right, such as visiting someone who lived along the route, going to your own land or property, or delivering goods:

..... YES

22. Is there to your knowledge evidence to support your claim eg, Enclosure Awards, Tithe Maps, Railway Maps:

..... PHOTOGRAPHIC EVIDENCE

23. Is the route or any part of it enclosed between boundaries, ie hedges, fences, ditches, walls:

..... No

Any further information..... WHEN OGILVIE TERRACE WAS OWNED BY THE NATIONAL COAL BOARD THE PATH IN QUESTION WAS USED BY THEIR MAINTENANCE MEN TO HAVE ACCESS TO THE HOUSES

DATE:..... 16th FEBRUARY 1998

SIGNATURE OF USER MAKING STATEMENT.....

SIGNATURE OF PERSON TAKING STATEMENT(ie CLAIMANT).....
(FOR USE ONLY WITH A GROUP CLAIM – SEE NOTE ON FORM W.C.A.2).


CAERPHILLY COUNTY BOROUGH COUNCIL

FORM W.C.A.8A

WILDLIFE AND COUNTRYSIDE ACT 1981

The Wildlife and Countryside
(Definitive Maps and Statements)
Regulations 1993

PUBLIC RIGHTS OF WAY EVIDENCE FORM

1. Surname: Mr, Mrs, Miss Allen
Christian names: Gordon
Age: (if over 21 write "over 21") over 21
Telephone N° If you are prepared to give your telephone N° it will greatly assist the Rights of Way staff in arranging interviews following the submission of your evidence.
2. Address: 
3. Occupation: CARE SUPERVISOR
4. Name or route of path: FOOT PATH
5. National Grid References (ends of path) 12420254 - 12450252
6. Type of path: Footpath* /Bridleway* /Byway open to all traffic*.
7. Do you regard the path as public (SEE NOTE 2): Yes/No
8. Is the path well defined: Yes/No
9. How long have you known the path: over 20 yrs
10. Over what period have you used the path on foot, horseback, or motor vehicle, (state which).
over 20 yrs

- 11. How often over the period have you used the path: EVERY DAY
- 12. For what purpose did you use the path: ACCESS
- 13. Details of any stiles, handgates, field gates, bridges, notices, direction signs, warning signs, obstructions etc.
NONE
- 14. Name of Owner(s) or Tenant (s), if known:
MR. SHENKEROU
YSGWYDDGWYN FARM PERI
- 15. Have you ever been employed by, or a tenant of, the owner of the land affected by the path: Yes/No
- 16. Have you ever seen other people using the same route ie, Locals, strangers, Both. If so were they on Foot, Horseback in a vehicle
YES STRANGERS + LOCALS
- 17. Have you always followed the same route. If not when was it changed and if known by whom:
YES
- 18. Did you ever seek or get permission to use the route. If so from whom:
NO
- 19. Have you, or to your knowledge has anyone, been stopped or turned back:
NO
- 20. Were you ever told by any owner or occupier or by their employee that the route was not public:
NO

21. Has your use of the route ever been in exercise of some private right, such as visiting someone who lived along the route, going to your own land or property, or delivering goods:

..... TO OWN PROPERTY,

22. Is there to your knowledge evidence to support your claim eg, Enclosure Awards, Tithe Maps, Railway Maps:

..... YES

23. Is the route or any part of it enclosed between boundaries, ie hedges, fences, ditches, walls:

..... NO

Any further information... THE PATH IS USED DAILY BY
RESIDENTS OF OGILVIE TERRACE. THE PATH
IS USE BY A NUMBER ELDERLY PEOPLE
BECAUSE IT IS A SHORT ROUTE TO THE NEAREST BUS STON

DATE: 15-2-97 (WITHOUT HAVING TO USE ANY
DIFFICULT STEPS

SIGNATURE OF USER MAKING STATEMENT..... 2

SIGNATURE OF PERSON TAKING STATEMENT (ie CLAIMANT).....
(FOR USE ONLY WITH A GROUP CLAIM - SEE NOTE ON FORM W.C.A.2).

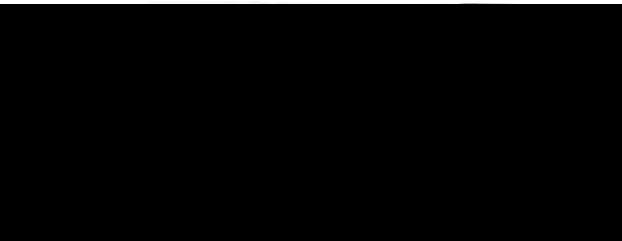
CAERPHILLY COUNTY BOROUGH COUNCIL

FORM W.C.A.8A

WILDLIFE AND COUNTRYSIDE ACT 1981

The Wildlife and Countryside
(Definitive Maps and Statements)
Regulations 1993

PUBLIC RIGHTS OF WAY EVIDENCE FORM

1. Surname: ~~Mr, Mrs, Miss~~ PRICE
 Christian names: VALMAI MARY
 Age: (if over 21 write "over 21") over 21
 Telephone N°..... If you are prepared to give your telephone N° it will greatly assist the Rights of Way staff in arranging interviews following the submission of your evidence.
 Address: 
 Occupation: HOUSEWIFE
 Name or route of path.....
 National Grid References (ends of path) 12420254 - 12450252
 Type of path: Footpath* /Bridleway* /Byway open to all traffic*.
 Do you regard the path as public (SEE NOTE 2): Yes/~~No~~ yes
 Is the path well defined: Yes/~~No~~
 How long have you known the path: Nearly 50 years
 Over what period have you used the path on foot, horseback, or motor vehicle, (state which).
46 YRS.

- 11. How often over the period have you used the path: daily
- 12. For what purpose did you use the path: To gain Access To Home
- 13. Details of any stiles, handgates, field gates, bridges, notices, direction signs, warning signs, obstructions etc.
None
- 14. Name of Owner(s) or Tenant (s), if known:
MR N. SHENKEROV
159 WYDDCOWN FARM D&R1
- 15. Have you ever been employed by, or a tenant of, the owner of the land affected by the path: ~~Yes~~/No*
- 16. Have you ever seen other people using the same route ie, Locals, strangers, Both. If so were they on foot, horseback in a vehicle
Everyone uses path for access
To Ogilvie Terrace
- 17. Have you always followed the same route. If not when was it changed and if known by whom:
yes
- 18. Did you ever seek or get permission to use the route. If so from whom:
No
- 19. Have you, or to your knowledge has anyone, been stopped or turned back:
No
- 20. Were you ever told by any owner or occupier or by their employee that the route was not public:
No

21. Has your use of the route ever been in exercise of some private right, such as visiting someone who lived along the route, going to your own land or property, or delivering goods:

yes

22. Is there to your knowledge evidence to support your claim eg, Enclosure Awards, Tithe Maps, Railway Maps:

23. Is the route or any part of it enclosed between boundaries, ie hedges, fences, ditches, walls:

No

Any further information... The path is a safe access for a wheelchair which we regularly use to bring my mother home, both ends of street are not safe enough.

DATE: 14-2-98

SIGNATURE OF USER MAKING STATEMENT.....

SIGNATURE OF PERSON TAKING STATEMENT(ie CLAIMANT).....
(FOR USE ONLY WITH A GROUP CLAIM - SEE NOTE ON FORM W.C.A.2).

I have photographic evidence of footpath (1954).

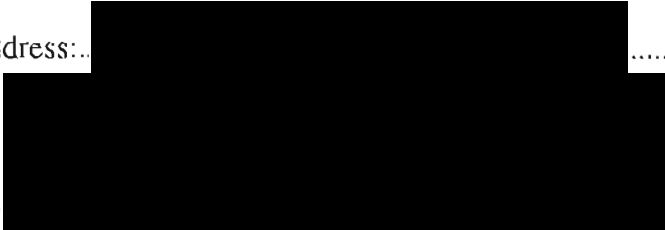
CAERPHILLY COUNTY BOROUGH COUNCIL

FORM W.C.A.8A

WILDLIFE AND COUNTRYSIDE ACT 1981

The Wildlife and Countryside
(Definitive Maps and Statements)
Regulations 1993

PUBLIC RIGHTS OF WAY EVIDENCE FORM

1. Surname: Mr, Mrs, Miss WILLIAMS.....
 Christian names: JOHN HOWARD.....
 Age: (if over 21 write "over 21") OVER 21.....
 Telephone N°..... If you are prepared to give your telephone N° it will greatly assist the Rights of Way staff in arranging interviews following the submission of your evidence.
2. Address: .....

3. Occupation: STEEL WORKER.....
4. Name or route of path.....
5. National Grid References (ends of path) 12420254 - 12450252
6. Type of path: Footpath* / Bridleway* / Byway open to all traffic*.
7. Do you regard the path as public (SEE NOTE 2): Yes/No
8. Is the path well defined: Yes/No
9. How long have you known the path: 20 YEARS.....
10. Over what period have you used the path on foot, horseback, or motor vehicle, (state which).
FOOT, MOTOR VEHICLE, 20 YEARS.....

11. How often over the period have you used the path: EVERY DAY
12. For what purpose did you use the path: IT IS THE ONLY WAY TO ENTER THE FRONT OF HOUSE.
13. Details of any stiles, handgates, field gates, bridges, notices, direction signs, warning signs, obstructions etc.
NONE
14. Name of Owner(s) or Tenant (s), if known:
Mr N. Shenker
Yogwyddgwyn Farm
15. Have you ever been employed by, or a tenant of, the owner of the land affected by the path: Yes/No*
16. Have you ever seen other people using the same route ie, Locals, strangers, Both. If so were they on foot, horseback in a vehicle
EVERY DAY ON FOOT SOME TIMES IN A VEHICLE
17. Have you always followed the same route. If not when was it changed and if known by whom:
18. Did you ever seek or get permission to use the route. If so from whom:
NO IT WAS ALWAYS THERE
19. Have you, or to your knowledge has anyone, been stopped or turned back:
NO
20. Were you ever told by any owner or occupier or by their employee that the route was not public:
NO

21. Has your use of the route ever been in exercise of some private right, such as visiting someone who lived along the route, going to your own land or property, or delivering goods:

NO

22. Is there to your knowledge evidence to support your claim eg, Enclosure Awards, Tithe Maps, Railway Maps:

I HAVE NOT SEEN ANY

23. Is the route or any part of it enclosed between boundaries, ie hedges, fences, ditches, walls:

NO

Any further information... THIS PATH HAS BEEN USED SINCE THE
HOUSES HAVE BEEN BUILT IN THE 1930s, SO HOW HAVE
THE RESIDENTS HAD THEIR RIGHTS TAKEN AWAY

DATE: 15/2/98

SIGNATURE OF USER MAKING STATEMENT.....

SIGNATURE OF PERSON TAKING STATEMENT (ie CLAIMANT).....

(FOR USE ONLY WITH A GROUP CLAIM - SEE NOTE ON FORM W.C.A.2).


CAERPHELLY COUNTY BOROUGH COUNCIL

FORM W.C.A.8A

WILDLIFE AND COUNTRYSIDE ACT 1981

The Wildlife and Countryside
(Definitive Maps and Statements)
Regulations 1993

PUBLIC RIGHTS OF WAY EVIDENCE FORM

1. Surname: ~~Mr~~, ~~Mrs~~, ~~Miss~~ PRICE
 Christian names: PHYLLIS IRENE
 Age: (if over 21 write "over 21") 81
 Telephone N°..... If you are prepared to give your telephone N° it will greatly assist the Rights of Way staff in arranging interviews following the submission of your evidence.
2. Address:.....

3. Occupation: housewife - retired
4. Name or route of path: 12420254 - 12450252
5. National Grid References (ends of path).....
6. Type of path: Footpath* / ~~Bridleway*~~ / ~~Byway open to all traffic*~~
7. Do you regard the path as public (SEE NOTE 2): Yes / ~~No~~
8. Is the path well defined: Yes / ~~No~~
9. How long have you known the path: 52 years
10. Over what period have you used the path on foot, ~~horseback~~, or ~~motor vehicle~~, (state which).
 Used by myself; my late husband and family over 50 years

11. How often over the period have you used the path: frequently
12. For what purpose did you use the path: to visit neighbours and gain access to mountain walks
13. Details of any stiles, handgates, field gates, bridges, notices, direction signs, warning signs, obstructions etc.
none
14. Name of Owner(s) or Tenant (s), if known:
MR NICK SHENKEROV
YSGWYDD GWYN FARM DERI
15. Have you ever been employed by, or a tenant of, the owner of the land affected by the path: ~~Yes~~/No*
16. Have you ever seen other people using the same route ie, Locals, strangers, Both. If so were they on foot, horseback in a vehicle
yes . Both . on foot.
17. Have you always followed the same route. If not when was it changed and if known by whom:
yes.
18. Did you ever seek or get permission to use the route. If so from whom:
No.
19. Have you, or to your knowledge has anyone, been stopped or turned back:
No.
20. Were you ever told by any owner or occupier or by their employee that the route was not public:
No.

21. Has your use of the route ever been in exercise of some private right, such as visiting someone who lived along the route, going to your own land or property, or delivering goods:

Visiting neighbours.
.....
.....

22. Is there to your knowledge evidence to support your claim eg, Enclosure Awards, Tithe Maps, Railway Maps:

.....
.....
.....

23. Is the route or any part of it enclosed between boundaries, ie hedges, fences, ditches, walls:

No.
.....
.....

Any further information. The path and surrounding green space
contributes to a pleasant open aspect from my windows that is
very important to me. My family use the path regularly in order
to reach the mountainside walks and to talk to neighbours .
.....

DATE: 15. 2. 98.
.....

SIGNATURE OF USER MAKING STATEMENT.. ..
.....

SIGNATURE OF PERSON TAKING STATEMENT (ie CLAIMANT).....
(FOR USE ONLY WITH A GROUP CLAIM - SEE NOTE ON FORM W.C.A.2).



To:	Chief Planning Officer	F.A.O:	Mr N J Jones
From:	Principal Engineer, Highway Planning	Please Reply to:	Mr R Waters
Date:	18 July 2001	Tel. No:	5157

Application No: P/01/0440

Observations by the Highway Authority in respect of development affecting present or proposed highways.

Proposed development: Proposed erection of residential development, land adjoining Ogilvie Terrace, Deri

Observations: There is objection to the submitted proposals for the following reasons:-

Reasons: The proposed additional use of the substandard access and junction onto Bailey Street will create increased traffic hazards to the detriment of highway safety.

Notes:

1. Claimed right of way 144 crosses the site.
2. Confirmation of verbal observations.

For Chief Engineer

ROUTING SLIP FOR PLANNING APPLICATIONS

Planning Application Number	<i>P/01/0440</i>	Input Date	<i>18/05/2001</i>
-----------------------------	------------------	------------	-------------------

HIGHWAY SCHEMES DATE *18/05/2001*

OBSERVATIONS *No objection*

DATE *18/05/2001* SIGNATURE *[Signature]*

REQUIRE COPY OF FORMAL OBSERVATIONS? YES/NO

RIGHTS OF WAY DATE *24/5/01*

OBSERVATIONS *Claim 144 crosses site. Discussions required*

DATE *24/5/01* SIGNATURE *[Signature]*

REQUIRE COPY OF FORMAL OBSERVATIONS? YES/NO

Return within 2 working days of the input date or notify appropriate officer of reason for any delay.

TO SENIOR ENGINEER DATE

TO CHIEF ENGINEER/DIRECTOR

APPLICATION REFERRED TO SENIOR MANAGEMENT FOR COMMENTS YES/NO

DATE SIGNATURE.....

TO SENIOR ENGINEER (SEE SEPARATE CHECK LIST FOR OBSERVATIONS)

FORMAL OBSERVATIONS

HIGHWAY SCHEMES OBSERVATIONS INCLUDED YES/NOT APPLICABLE

RIGHTS OF WAY OBSERVATIONS INCLUDED YES/NOT APPLICABLE

CHECK LIST COMPLETED YES/NO

DEPARTURES FROM STANDARDS APPROVED YES/NOT APPLICABLE

SIGNATURE

DATE



Directorate of
Technical Services
Planning Division
Council Offices
Pontllanfraith
Blackwood NP12 2YW
Tel. 01495 226622
Fax 01495 235013/235022

Cyfadran Gwasanaethau Technegol
Is-Adran Gynllunio
Swyddfeydd y Cyngor
Pontllanfraith
Coed Duon NP12 2YW
Ffôn 01495 226622
Ffacs 01495 235013/235022

Chief Planning Officer
Pat Mears

Prif Swyddog Cynllunio
Pat Mears

GROUP MANAGER (TRANSPORTATION
PLANNING), C.C.B.C.,
COUNCIL OFFICES, PONTLLANFRAITH,
BLACKWOOD.
NP12 2YW

Contact/Cysylltwch â

MR. N. J. JONES

Direct line/Llinell Uniongyrchol

Direct Fax/Ffacs Uniongyrchol

Your ref/Eich Cyf

P/01/0440

Our ref/Ein Cyf

11/05/01

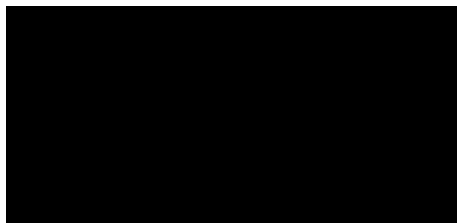
Date/Dyddiad

Dear Sir,

TOWN AND COUNTRY PLANNING ACT, 1990

The following application for planning permission has been received under the provisions of the above Act, and I shall be glad to know whether you wish to make any observations, in writing, on this proposal:

NAME AND ADDRESS
OF DEVELOPER



PROPOSED
DEVELOPMENT

ERECT RESIDENTIAL DEVELOPMENT

LOCATION

LAND ADJOINING OGILVIE TERRACE, DERI,
BARGOED

PREVIOUS REF.

SITE PLAN Attached

GRID REFERENCE SO 1231 0258

In accordance with statutory requirements, it is necessary to determine the application within a specified period and it is essential therefore that any observations should be received by me within 21 days from the date of this communication. In the event of no reply being received from you, it may be assumed that you have no observations to offer and the determination of the application will be proceeded with.

Yours faithfully,

DEVELOPMENT CONTROL MANAGER



Chief Planning Officer,
Caerphilly County Borough
Council,
Pontllanfraith,
Blackwood, NP2 2YW,
Tel: 01495 226622
Fax: 01495 222468

(For official use only)	
Code Number	_____
Date received	4.5.01
Ack.	11.5.01
Latest date for determination	29.6.01
Extended to	_____

Town and Country Planning Act, 1990

APPLICATION FOR PERMISSION TO DEVELOP LAND ETC.

CAERPHILLY COUNTY
BOROUGH COUNCIL

04 MAY 2001

PART 1 - to be completed by or on behalf of all applicants as far as applicable to the particular development.

2. Particulars of Application (see note 3)

(a) State whether this application is for:-

(i) Outline planning permission

State Yes or No
YES

(ii) Full planning permission

NO

(iii) Approval of reserved matters following the grant of outline permission

NO

(iv) Renewal of a temporary permission or permission for retention of building or continuance of use without complying with a condition subject to which planning permission has been granted

NO

Is approval required at this stage for any of the following? If so full details are required.

	Yes	No
1. Siting	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2. Design	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3. External Appearance	<input checked="" type="checkbox"/>	<input type="checkbox"/>
4. Means of access	<input checked="" type="checkbox"/>	<input type="checkbox"/>
5. Landscaping	<input checked="" type="checkbox"/>	<input type="checkbox"/>

If yes, state the date and number of outline permission

Date

Number

If yes, state the date and number of previous permission and identify the particular condition (see note 3d)

Date

Number

The condition

3. Particulars of proposal for which permission or approval is sought

(a) Full address or location of the land to which this application relates and site area (if known)

WALID ADJOINING 5-11 HILLSIDE FEE.
DEEL OGILVY TERRACE
KPL

(b) Brief particulars of proposed development including the purpose(s) for which the land and/or buildings are to be used

RESIDENTIAL DEVELOPMENT

(c) State whether applicant owns or controls any adjoining land and if so, give its location

(d) State applicant's legal interest in the land

PURCHASER

(e) State whether the proposal involves:-

(i) New building(s)

If residential development, state number of dwelling units proposed and type if known, e.g. houses, bungalows, flats

State Yes or No

YES

(ii) Alteration or extension

NO

(iii) Change of use

NO

(iv) Construction of a new access to a highway
vehicular
pedestrian

YES

(v) Alteration of an existing access to a highway
vehicular
pedestrian

NO

Town and Country Planning (General Development Procedure) Order 1995

CERTIFICATE UNDER ARTICLE 7

CAERPHILLY COUNTY BOROUGH COUNCIL
19 MAR 2001
PLANNING SERVICES

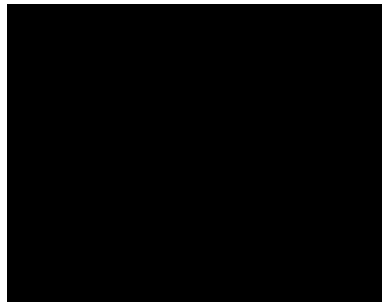
Certificate B(a)

I certify that:

I have/The applicant has/The appellant has* given the requisite notice to everyone else who, on the day 21 days before the date of the accompanying application/appeal*, was the owner(b) of any part of the land to which the application/appeal* relates, as listed below.

Owner's (b) name Address at which notice was served Date on which notice was served

MR N. SHENKOROF



13 MARCH 2001

CAERPHILLY COUNTY BOROUGH COUNCIL
04 MAY 2001
PLANNING DIVISION

Signed

*On behalf of P. MATUSZCZYK.

Date 13 March 2001.

*delete where inappropriate

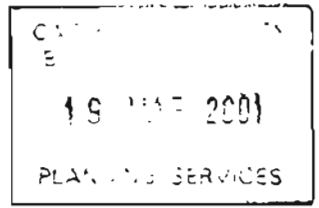
- (a) This Certificate is for use with applications and appeals for planning permission (articles 7 and 9(1) of the Order). One of Certificates A, B, C or D (or the appropriate certificate in the case of certain minerals applications) must be completed, together with the Agricultural Holdings Certificate.
- (b) "owner" means a person having a freehold interest or a leasehold interest the unexpired term of which is not less than seven years, or, in the case of development consisting of the winning and working of minerals, a person entitled to an interest in a mineral in the land (other than oil, gas, coal, gold or silver).

AGRICULTURAL HOLDINGS CERTIFICATE

TOWN AND COUNTRY PLANNING ACT 1990

TOWN AND COUNTRY PLANNING (GENERAL DEVELOPMENT PROCEDURE) ORDER 1995

CERTIFICATE UNDER ARTICLE 7



Agricultural Holdings Certificate (a)

Whichever is appropriate of the following alternatives must form part of Certificates A,B,C or D.

If the applicant is the sole agricultural tenant he or she must delete the first alternative and insert "not applicable" as the information required by the second alternative.

None of the land to which the application/~~appeal~~ relates is, or is part of, an agricultural holding.

or

I have/The applicant has/The appellant has given the required ~~notice to every person other than my/him/her~~*self who, at the beginning of the period of 21 days ending with the date of the application/~~appeal~~*, was a ~~tenant~~ of an agricultural holding on all or part of the land to which the application/~~appeal~~* relates, as follows:-

Tenant's Name	Address at which notice was served	Date on which notice was served
---------------	------------------------------------	---------------------------------



Signed.....

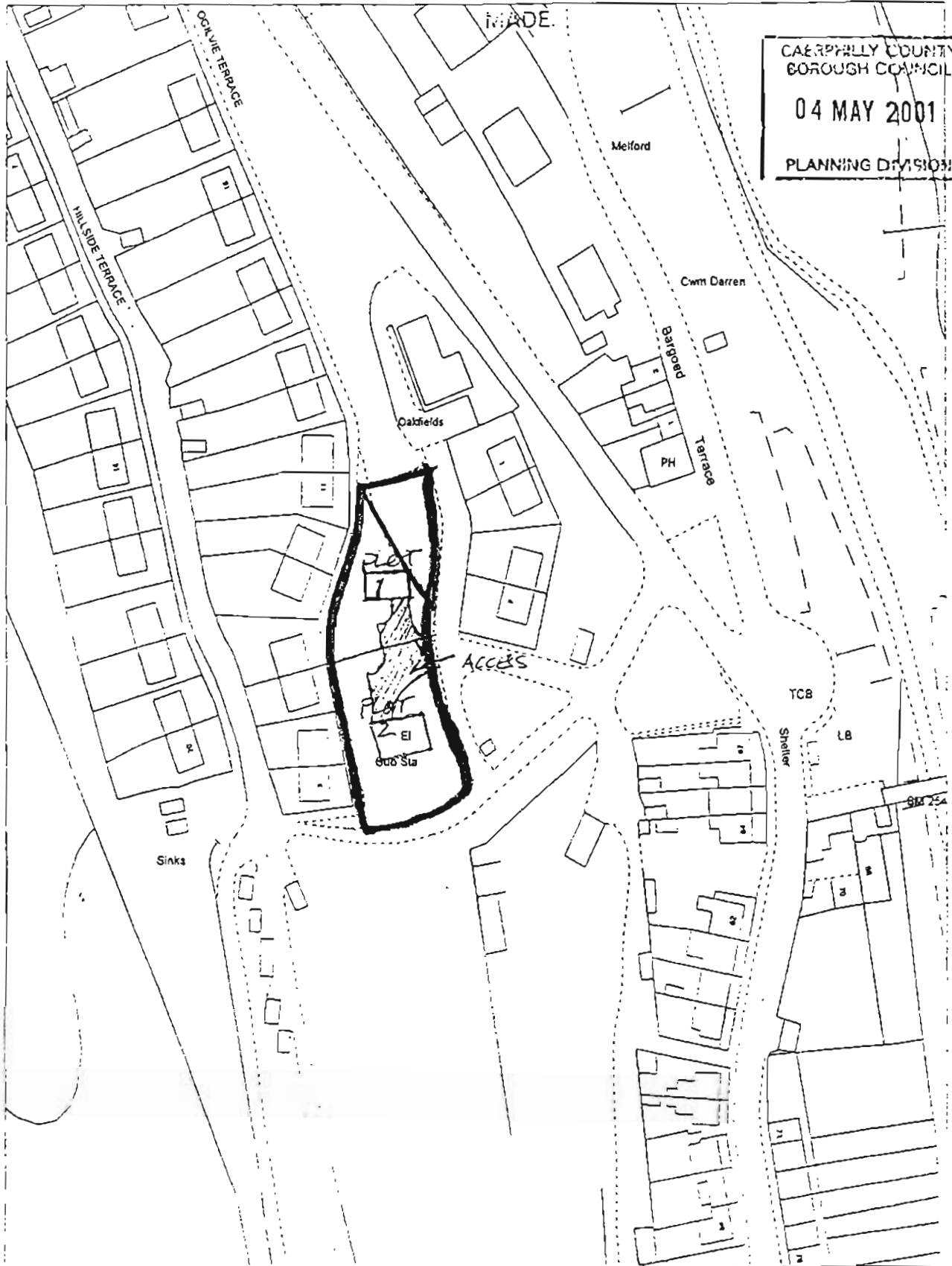
*On behalf of P. MATUSZCZYK

Date 13 March 2001

*Delete where inappropriate

- (a) This Certificate is for use with applications and appeals for planning permission (articles 7 and 9(1) of the Order). One of Certificates A,B,C or D (or the appropriate certificate in the case of certain minerals applications) must be completed together with the Agricultural Holdings Certificate.

CAERPHILLY COUNTY BOROUGH COUNCIL
04 MAY 2001
PLANNING DIVISION



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Algyhyrchwyd o fapiaid yr Arolwg Ordnans gyda chaniatod rheolwr Llyfrfa ei Mawrhydi hawftraint y Geron. Mae algyhyrchu heb awdurdod yn gwrthddefnain y Geron. Gall hyn arwain at erlyniad neu achos sifil. Cyngor Bro Morgannwg Sir Gârffilil, LA090C4L, 2000.

CAERPHILLY COUNTY BOROUGH COUNCIL

WILDLIFE AND COUNTRYSIDE ACT 1981

The Wildlife and Countryside
(Definitive Maps and Statements)
Regulations 1993

PUBLIC RIGHTS OF WAY EVIDENCE FORM COMPLETED BY:

Name:..... NEIL HORRELL

4. Name or route of path:..... DIAGONAL PATH FROM NO 4 TO NO 12 OGILVIE TERRACE

5. National Grid References (ends of path).....

6. Type of path:Footpath* /Bridleway* /Byway open to all traffic*.

7. Do you regard the path as public (SEE NOTE 2): Yes/~~No~~

8. Is the path well defined: Yes/~~No~~

9. How long have you known the path:..... AT LEAST 30 YEARS

10.Over what period have you used the path on foot, horseback, or motor vehicle, (state which).

..... ON FOOT OVER 30 YEARS

11.How often over the period have you used the path:..... A FEW TIMES A WEEK

12.For what purpose did you use the path:..... VISITING FAMILY + FRIENDS

13.Details of any stiles, handgates, field gates, bridges, notices, direction signs, warning signs, obstructions etc.

..... NONE

14.Name of Owner(s) or Tenant (s), if known:.....

15. Have you ever been employed by, or a tenant of, the owner of the land affected by the path: ~~Yes~~/No*

16. Have you ever seen other people using the same route ie, Locals, strangers, Both. If so were they on foot, horseback in a vehicle

..... YES LOCALS AND STRANGERS ON FOOT

17. Have you always followed the same route. If not when was it changed and if known by whom:

..... ALWAYS SAME ROUTE

18. Did you ever seek or get permission to use the route. If so from whom:

..... No

19. Have you, or to your knowledge has anyone, been stopped or turned back:

..... No

20. Were you ever told by any owner or occupier or by their employee that the route was not public:

..... No

21. Has your use of the route ever been in exercise of some private right, such as visiting someone who lived along the route, going to your own land or property, or delivering goods:

..... No

22. Is there to your knowledge evidence to support your claim eg, Enclosure Awards, Tithes Maps, Railway Maps:

..... NOT KNOWN

23. Is the route or any part of it enclosed between boundaries, ie hedges, fences, ditches, walls:

.....
No

Any further information..... THE PATH IS IDEAL FOR PEOPLE
WITH DIFFICULTIES, FOR EXAMPLE PEOPLE
DELIVERING GOODS EASIER THAN WALKING UP STEPS
ALSO EMERGENCY VEHICLES

Date: 7/9/2015

(FOR USE ONLY WITH A GROUP CLAIM - SEE NOTE ON FORM W.C.A.2).

CAERPHILLY COUNTY BOROUGH COUNCIL

WILDLIFE AND COUNTRYSIDE ACT 1981

The Wildlife and Countryside
(Definitive Maps and Statements)
Regulations 1993

PUBLIC RIGHTS OF WAY EVIDENCE FORM COMPLETED BY:

Name;..... Suzanne Horrell

4. Name or route of path..... Diagonal path running from no. 4 to 12 Ogilvie Terrace

5. National Grid References (ends of path).....

6. Type of path:Footpath* /Bridleway* /Byway open to all traffic*.

7. Do you regard the path as public (SEE NOTE 2): Yes/~~No~~

8. Is the path well defined: Yes/~~No~~

9. How long have you known the path:..... 28 years

10. Over what period have you used the path on foot, horseback, or motor vehicle, (state which).

..... 28 years

11. How often over the period have you used the path:..... at least three times a week

12. For what purpose did you use the path:..... visiting family

13. Details of any stiles, handgates, field gates, bridges, notices, direction signs, warning signs, obstructions etc.

..... None

14. Name of Owner(s) or Tenant (s), if known:.....

15. Have you ever been employed by, or a tenant of, the owner of the land affected by the path: ~~Yes~~/No*

16. Have you ever seen other people using the same route ie, Locals, strangers, Both. If so were they on foot, horseback in a vehicle

yes tradesmen Locals e Visitors of the area.

17. Have you always followed the same route. If not when was it changed and if known by whom:

yes

18. Did you ever seek or get permission to use the route. If so from whom:

No

19. Have you, or to your knowledge has anyone, been stopped or turned back:

No

20. Were you ever told by any owner or occupier or by their employee that the route was not public:

No

21. Has your use of the route ever been in exercise of some private right, such as visiting someone who lived along the route, going to your own land or property, or delivering goods:

No

22. Is there to your knowledge evidence to support your claim eg, Enclosure Awards, Tithe Maps, Railway Maps:

not known

23. Is the route or any part of it enclosed between boundaries, ie hedges, fences, ditches, walls:

No

Any further information.....

This path is used by many who have walking difficulties including myself (I have osteoarthritis) as there are no steps. also used by tradesmen to deliver goods

Date: 7-9-15

(FOR USE ONLY WITH A GROUP CLAIM - SEE NOTE ON FORM W.C.A.2).

CAERPHILLY COUNTY BOROUGH COUNCIL

WILDLIFE AND COUNTRYSIDE ACT 1981

The Wildlife and Countryside
(Definitive Maps and Statements)
Regulations 1993

PUBLIC RIGHTS OF WAY EVIDENCE FORM COMPLETED BY:

Name;..... KELLY LOUIS

4. Name or route of path..... Running diagonal from 4 to 12

5. National Grid References (ends of path)..... 501241E 02510 501240E 02538

6. Type of path: Footpath* /Bridleway* /Byway open to all traffic*.

7. Do you regard the path as public (SEE NOTE 2): Yes/No

8. Is the path well defined: Yes/No

9. How long have you known the path:..... Since living here 16 yrs

10. Over what period have you used the path on foot, horseback, or motor vehicle, (state which).

..... over 16 years

11. How often over the period have you used the path:..... once or twice week

12. For what purpose did you use the path:..... work, access public transport

13. Details of any stiles, handgates, field gates, bridges, notices, direction signs, warning signs, obstructions etc.

..... none

14. Name of Owner(s) or Tenant (s), if known:.....

15. Have you ever been employed by, or a tenant of, the owner of the land affected by the path: Yes/No*

16. Have you ever seen other people using the same route ie, Locals, strangers, Both. If so were they on foot, horseback in a vehicle

Locals, strangers, post man on foot

17. Have you always followed the same route. If not when was it changed and if known by whom:

Yes

18. Did you ever seek or get permission to use the route. If so from whom:

no

19. Have you, or to your knowledge has anyone, been stopped or turned back:

no

20. Were you ever told by any owner or occupier or by their employee that the route was not public:

no

21. Has your use of the route ever been in exercise of some private right, such as visiting someone who lived along the route, going to your own land or property, or delivering goods:

no

22. Is there to your knowledge evidence to support your claim eg, Enclosure Awards, Tithe Maps, Railway Maps:

23. Is the route or any part of it enclosed between boundaries, ie hedges, fences, ditches, walls:

no

Any further information: Since the path has been
fenced off access is only available
via steps or an unlit path

Date: 10-9-15

(FOR USE ONLY WITH A GROUP CLAIM - SEE NOTE ON FORM W.C.A.2).

CAERPHILLY COUNTY BOROUGH COUNCIL

WILDLIFE AND COUNTRYSIDE ACT 1981

The Wildlife and Countryside
(Definitive Maps and Statements)
Regulations 1993

PUBLIC RIGHTS OF WAY EVIDENCE FORM COMPLETED BY:

Name;..... PAULINE PULLEN.....

4. Name or route of path..... PATH RUNNING DIAGONAL FROM NO. 4 TO 12
5012418 02510 OGILVIE TERRACE

5. National Grid References (ends of path)..... 5012408 02538 DER 1

6. Type of path:Footpath* /Bridleway* /Byway open to all traffic*.

7. Do you regard the path as public (SEE NOTE 2): Yes/No

8. Is the path well defined: Yes/No

9. How long have you known the path:..... 40+ YEARS.....

10. Over what period have you used the path on foot, horseback, or motor vehicle, (state which).

..... 35 YEARS.....

11. How often over the period have you used the path:..... ONCE OR TWICE WEEK.....

12. For what purpose did you use the path:..... WORK + VISITING FRIENDS, FAMILY.....

13. Details of any stiles, handgates, field gates, bridges, notices, direction signs, warning signs, obstructions etc.

..... NONE.....

14. Name of Owner(s) or Tenant (s), if known:.....

15. Have you ever been employed by, or a tenant of, the owner of the land affected by the path: Yes/No*

16. Have you ever seen other people using the same route ie, Locals, strangers, Both. If so were they on foot, horseback in a vehicle

..... LOCALS STRANGERS ON FOOT
.....
.....

17. Have you always followed the same route. If not when was it changed and if known by whom:

..... YES
.....
.....

18. Did you ever seek or get permission to use the route. If so from whom:

..... NO
.....
.....

19. Have you, or to your knowledge has anyone, been stopped or turned back:

..... NONE
.....
.....

20. Were you ever told by any owner or occupier or by their employee that the route was not public:

..... NO
.....

21. Has your use of the route ever been in exercise of some private right, such as visiting someone who lived along the route, going to your own land or property, or delivering goods:

..... NO
.....
.....

22. Is there to your knowledge evidence to support your claim eg, Enclosure Awards, Tithe Maps, Railway Maps:

.....
.....
.....

23. Is the route or any part of it enclosed between boundaries, ie hedges, fences, ditches, walls:

.....NO.....
.....

Any further information..... THIS PATH HAS NO STEPS AND
..... IS USED BY MANY PEOPLE WHO HAVE WALKING
..... DIFFICULTIES, AND EASER FOR ANY ABULANCE
..... MEN / WOMEN TO FETCH PEOPLE WHO NEED THEIR
..... SERVICES

Date:..... 4 - 9 - 15.....

(FOR USE ONLY WITH A GROUP CLAIM - SEE NOTE ON FORM W.C.A.2).

PLEASE NOTE

1. All sections must be completed.
2. "statute law provides that a public right of way may be presumed to have been dedicated as a highway if it has been actually enjoyed by the public as a right and without interruption for a full period of 20 years before any date on which the right of the public to use the way is brought into question. (Highways Act 1980 Section 31(1) and 31(2)".
3. You may be asked to give evidence at a Public Inquiry should a dispute arise over the claimed path.
4. * Delete as necessary.

Completed forms to be returned to:-

Mrs P. Elliott,
Head of Regeneration and Planning,
Council Offices,
Pontllanfraith,
Blackwood. NP12 2YW

CAERPHILLY COUNTY BOROUGH COUNCIL

WILDLIFE AND COUNTRYSIDE ACT 1981

The Wildlife and Countryside
(Definitive Maps and Statements)
Regulations 1993

PUBLIC RIGHTS OF WAY EVIDENCE FORM COMPLETED BY:

Name: CLIVE PULLEN

4. Name or route of path: DIAGONAL PATH FROM N04 TO N012 OULVIE TCE

5. National Grid References (ends of path): (Approx) SO 12418 02510 / SO 12408 02538

6. Type of path: Footpath* / Bridleway* / Byway open to all traffic*
LAT 51.7145 / LAT 51.7147
LONG -3.2691 / LONG -3.2692

7. Do you regard the path as public (SEE NOTE 2): Yes/No

8. Is the path well defined: Yes/No

9. How long have you known the path: AT LEAST 30 YEARS

10. Over what period have you used the path on foot, horseback, or motor vehicle, (state which).

ON FOOT FOR 30 YEARS

11. How often over the period have you used the path: A FEW TIMES A WEEK

12. For what purpose did you use the path: VISITING FAMILY AND FRIENDS

13. Details of any stiles, handgates, field gates, bridges, notices, direction signs, warning signs, obstructions etc.

NONE

14. Name of Owner(s) or Tenant (s), if known:

15. Have you ever been employed by, or a tenant of, the owner of the land affected by the path: Yes/No*

16. Have you ever seen other people using the same route ie, Locals, strangers, Both. If so were they on foot, horseback in a vehicle

YES LOCALS AND STRANGERS, ON FOOT

17. Have you always followed the same route. If not when was it changed and if known by whom:

ALWAYS SAME ROUTE

18. Did you ever seek or get permission to use the route. If so from whom:

NO

19. Have you, or to your knowledge has anyone, been stopped or turned back:

NO

20. Were you ever told by any owner or occupier or by their employee that the route was not public:

NO

21. Has your use of the route ever been in exercise of some private right, such as visiting someone who lived along the route, going to your own land or property, or delivering goods:

NO

22. Is there to your knowledge evidence to support your claim eg, Enclosure Awards, Tithe Maps, Railway Maps:

23. Is the route or any part of it enclosed between boundaries, ie hedges, fences, ditches, walls:

NO

Any further information.....

THE PATH IS IDEAL FOR PEOPLE WITH WALKING
DIFFICULTIES, EASIER THAN STEPS, ESPECIALLY FOR EMERGENCY
SERVICES, PROVIDING A MORE DIRECT ROUTE

Date: 6/09/2015

(FOR USE ONLY WITH A GROUP CLAIM - SEE NOTE ON FORM W.C.A.2).

CAERPHILLY COUNTY BOROUGH COUNCIL

WILDLIFE AND COUNTRYSIDE ACT 1981

The Wildlife and Countryside
(Definitive Maps and Statements)
Regulations 1993

PUBLIC RIGHTS OF WAY EVIDENCE FORM COMPLETED BY:

- Name:..... MICHAEL WILLIAMS
4. Name or route of path..... OGILVIE HOUSES DIAGONAL PATH
5. National Grid References (ends of path)..... /
6. Type of path:Footpath* /~~Bridleway*~~ /~~Byway open to all traffic*~~.
7. Do you regard the path as public (SEE NOTE 2): Yes/~~No~~
8. Is the path well defined: Yes/~~No~~
9. How long have you known the path:..... 12 YEARS
10. Over what period have you used the path on foot, horseback, or motor vehicle, (state which).
..... FOR THE WHOLE 12 YEARS ON FOOT.
11. How often over the period have you used the path:..... ON AVERAGE DAILY
12. For what purpose did you use the path:..... VISITING GIRLFRIEND & NOW MOTHER IN LAW
13. Details of any stiles, handgates, field gates, bridges, notices, direction signs, warning signs, obstructions etc.
..... NONE. HOWEVER A FENCE HAS NOW BEEN ERECTED, BLOCKING ACCESS WITHOUT PLANNING OR CONSENT
14. Name of Owner(s) or Tenant (s), if known:.....
..... KARINA JAYNE GAUDEN, JOHN VINCENT O'CONNELL
15. Have you ever been employed by, or a tenant of, the owner of the land affected by the path: ~~Yes~~/No*

16. Have you ever seen other people using the same route ie, Locals, strangers, Both. If so were they on foot, horseback in a vehicle?

THE PATH IS IN CONSTANT USE BY
NEIGHBOURS, VISITORS & RAMBLING ASSOCIATION

17. Have you always followed the same route. If not when was it changed and if known by whom:

ALWAYS, UNTIL RECENTLY, WHEN THE
FENCE ERECTED, HAS BLOCKED ACCESS

18. Did you ever seek or get permission to use the route. If so from whom:

NO, NOT NEEDED

19. Have you, or to your knowledge has anyone, been stopped or turned back:

NEVER

20. Were you ever told by any owner or occupier or by their employee that the route was not public:

NO

21. Has your use of the route ever been in exercise of some private right, such as visiting someone who lived along the route, going to your own land or property, or delivering goods:

YES, PARKING BELOW THE LAND &
USING THE PATH TO VISIT MY GIRLFRIEND. NOW
I USE IT TO TAKE MY SON TO VISIT HIS GRAND
MOTHER

22. Is there to your knowledge evidence to support your claim eg, Enclosure Awards, Tithe Maps, Railway Maps:

UNKNOWN

23. Is the route or any part of it enclosed between boundaries, ie hedges, fences, ditches, walls:

IT HAS ALWAYS BEEN OPEN LAND,
UNTIL A BOUNDARY FENCE (ERECTED ON 14TH AUG'15)
HAS BLOCKED ACCESS.

Any further information.....

THERE ARE A LOT OF ELDERLY PEOPLE
WHO LIVE IN THIS AREA AND THIS IS THE ONLY
ROUTE SAFE ENOUGH FOR WHEELCHAIR USERS. WITHOUT
I FEAR THE SAFETY OF ANYONE
GAINING ACCESS TO
THEIR HOME.

Date: 2-9-15

(FOR USE ONLY WITH A GROUP CLAIM - SEE NOTE ON FORM W.C.A.2).

CAERPHILLY COUNTY BOROUGH COUNCIL

WILDLIFE AND COUNTRYSIDE ACT 1981

The Wildlife and Countryside
(Definitive Maps and Statements)
Regulations 1993

PUBLIC RIGHTS OF WAY EVIDENCE FORM COMPLETED BY:

Name:..... DAVID THOMAS HARDACRE

4. Name or route of path..... DIAGONAL PATH

5. National Grid References (ends of path).....

6. Type of path:Footpath* /~~Bridleway*~~ /~~Byway open to all traffic*~~.

7. Do you regard the path as public (SEE NOTE 2): Yes/~~No~~

8. Is the path well defined: Yes/~~No~~

9. How long have you known the path:..... SINCE WE MOVED HERE IN JULY 1979

10. Over what period have you used the path on foot, horseback, or motor vehicle, (state which):

..... SINCE MY FAMILY AND I MOVED HERE IN 1979

11. How often over the period have you used the path:..... CONTINUOUSLY

TO REACH MY CAR ON THE BOTTOY HIGHWAY

12. For what purpose did you use the path:..... CHILDREN USE IT TO ACCESS SCHOOL BUSES

13. Details of any stiles, handgates, field gates, bridges, notices, direction signs, warning signs, obstructions etc.

..... THERE ARE NONE COMPLETELY OPEN ACCESS FROM

..... ADOPTED HIGHWAY TO MY HOME ADDRESS

14. Name of Owner(s) or Tenant (s), if known:..... KARINA JAYNE GAUDEN

..... JOHN VINCENT O'CONNELL

15. Have you ever been employed by, or a tenant of, the owner of the land affected by the path: Yes/~~No~~*

16. Have you ever seen other people using the same route ie, Locals, strangers, Both. If so were they on foot, horseback in a vehicle

..... YES FREQUENTLY POSTMAN USES AND VARIOUS BUSINESS PEOPLE
..... USE IT FOR DELIVERIES ALWAYS ON FOOT

17. Have you always followed the same route. If not when was it changed and if known by whom:

..... YES THE ROUTE HAS NEVER CHANGED

18. Did you ever seek or get permission to use the route. If so from whom:

..... NO THE ROUTE WAS NEVER DISPUTED UNTIL
..... BEING BLOCKED OFF A FEW WEEKS AGO

19. Have you, or to your knowledge has anyone, been stopped or turned back:

..... I HAVE NEVER SEEN ANYONE STOPPED FROM USING THE
..... PATH AND HAVE A DIRECT LINE OF VISION ONTO THE PATH

20. Were you ever told by any owner or occupier or by their employee that the route was not public:

..... NO ONE HAS EVER OBJECTED TO MY OR MY FAMILY'S USAGE

21. Has your use of the route ever been in exercise of some private right, such as visiting someone who lived along the route, going to your own land or property, or delivering goods:

..... NO

22. Is there to your knowledge evidence to support your claim eg, Enclosure Awards, Tithe Maps, Railway Maps:

..... THERE ARE SOME MAPS BEING PRESENTED THAT SHOW
..... THE POSITION OF THE PATHWAY

23. Is the route or any part of it enclosed between boundaries, ie hedges, fences, ditches, walls:

.....
THERE HAS NEVER BEEN ANY OBSTRUCTIONS TO THIS ROUTE UNTIL
.....
A FENCE WAS PLACED ACROSS THE PATHWAY (NO CONSULTATION WITH RESIDENTS)
.....

Any further information..... THE HOUSES WERE BUILT IN THE 1920'S
.....
AND THE PATHWAY WAS IN EXISTENCE THEN (INCIDENTALLY I
.....
WAS BORN IN 1940 LIVING IN BAILLY STREET AND USED THAT
.....
PATHWAY AS A CHILD)
.....

Date: 01/09/15
.....

(FOR USE ONLY WITH A GROUP CLAIM - SEE NOTE ON FORM W.C.A.2).

CAERPHILLY COUNTY BOROUGH COUNCIL

WILDLIFE AND COUNTRYSIDE ACT 1981

The Wildlife and Countryside
(Definitive Maps and Statements)
Regulations 1993

PUBLIC RIGHTS OF WAY EVIDENCE FORM COMPLETED BY:

Name:..... DANNA GERRISH

4. Name or route of path: DIAGONAL PATH FROM No 4 OAKHIE TO No 12 OAKHIE

5. National Grid References (ends of path).....

6. Type of path: Footpath* / ~~Bridleway*~~ / ~~Byway open to all traffic*~~

7. Do you regard the path as public (SEE NOTE 2): Yes/No YES!

8. Is the path well defined: Yes/No YES

9. How long have you known the path: NEARLY 40 YEARS

10. Over what period have you used the path on foot, horseback, or motor vehicle, (state which).

..... 1978 to PRESENT 38 YEARS

11. How often over the period have you used the path: MINIMUM OF 1-5 TIMES PER

12. For what purpose did you use the path: WALK DOGS + VISIT NEIGHBOURS

13. Details of any stiles, handgates, field gates, bridges, notices, direction signs, warning signs, obstructions etc.

..... NONE

14. Name of Owner(s) or Tenant (s), if known: KARINA JAYNE GOLDEN

15. Have you ever been employed by, or a tenant of, the owner of the land affected by the path: Yes/No* NO

16. Have you ever seen other people using the same route ie, Locals, strangers, Both. If so were they on foot, horseback in a vehicle

YES THE ^{DEMON} PERSON PATH IS WELL USED

DAY + NIGHT BY LOCALS VISITORS DELIVERY PEOPLE + EMERGENCY SERVICES

17. Have you always followed the same route. If not when was it changed and if known by whom:

YES AT ALL TIMES UNTIL RECENTLY

WHEN IT WAS WITHOUT WARNING FENCED OFF BY SOME VERY DUBIOUS MEN!

18. Did you ever seek or get permission to use the route. If so from whom:

NO

19. Have you, or to your knowledge has anyone, been stopped or turned back:

NO - FOR NEARLY 100 YEARS

IT HAS BEEN PUBLIC RIGHT OF WAY

20. Were you ever told by any owner or occupier or by their employee that the route was not public:

NEVER

21. Has your use of the route ever been in exercise of some private right, such as visiting someone who lived along the route, going to your own land or property, or delivering goods:

YES - ALL

22. Is there to your knowledge evidence to support your claim eg, Enclosure Awards, Tithe Maps, Railway Maps:

YES MAPS - PUBLIC KNOWLEDGE (PHOTOGRAPHS FROM AIR)

CCRC MUST HAVE RECORDS OF MY PREVIOUSLY COMPLETED FORMS PROCLAIMING THAT THIS IS PUBLIC RIGHT OF WAY 1997

23. Is the route or any part of it enclosed between boundaries, ie hedges, fences, ditches, walls:

NONE - NEVER UNTIL August 2015
WHEN FENCE ERECTED ILLEGALLY??

Any further information.....

I USE PATH AS I ALWAYS WALK
DOGS - I WALK ALL OF OGIWIKO TO
+ FROM LAKES. I HAVE ARTHRITIS IN LEFT KNEE
FRANKS + DISABLED PEOPLE USE IT. MAINTAINED BY
COUNCIL.

Date: 31/3/2015

(FOR USE ONLY WITH A GROUP CLAIM - SEE NOTE ON FORM W.C.A.2).

PLEASE NOTE

1. All sections must be completed.
2. "statute law provides that a public right of way may be presumed to have been dedicated as a highway if it has been actually enjoyed by the public as a right and without interruption for a full period of 20 years before any date on which the right of the public to use the way is brought into question. (Highways Act 1980 Section 31(1) and 31(2))."
3. You may be asked to give evidence at a Public Inquiry should a dispute arise over the claimed path.
4. * Delete as necessary.

Completed forms to be returned to:-

Mrs P. Elliott,
Head of Regeneration and Planning,
Council Offices,
Pontllanfraith,
Blackwood. NP12 2YW

CAERPHILLY COUNTY BOROUGH COUNCIL

WILDLIFE AND COUNTRYSIDE ACT 1981

The Wildlife and Countryside
(Definitive Maps and Statements)
Regulations 1993

PUBLIC RIGHTS OF WAY EVIDENCE FORM COMPLETED BY:

Name: Grace Gerrish

4. Name or route of path: Original Diagonal path in Ogilvie Terrace

5. National Grid References (ends of path).....

6. Type of path: Footpath* /Bridleway* /Byway open to all traffic*. used by the public at all times

7. Do you regard the path as public (SEE NOTE 2): Yes ~~No~~ yes

8. Is the path well defined: Yes ~~No~~ yes

9. How long have you known the path: 27 years (27 yrs)

10. Over what period have you used the path on foot, horseback, or motor vehicle. (state which).

27 years on foot and bicycle

11. How often over the period have you used the path: 27 years - constantly

12. For what purpose did you use the path: walking dogs, visiting neighbours playing as a child.

13. Details of any stiles, handgates, field gates, bridges, notices, direction signs, warning signs, obstructions etc.

.....
.....

14. Name of Owner(s) or Tenant (s), if known: Katrina Gauden

.....
.....

15. Have you ever been employed by, or a tenant of, the owner of the land affected by the path: No ~~Yes~~ NO

16. Have you ever seen other people using the same route ie. Locals, strangers, Both. If so were they on foot, horseback in a vehicle

All the time. The path is constantly used by all members of the public. by people accessing their properties and also by delivery persons and strangers.

17. Have you always followed the same route. If not when was it changed and if known by whom:

Always!! Recently been changed due to a fence stopping me accessing this route by 'Shadow Holdings'

18. Did you ever seek or get permission to use the route. If so from whom:

Never had permission as this route has always been available to the public and always used by the public for the whole time I have lived here

19. Have you, or to your knowledge has anyone, been stopped or turned back:

(27 years)

Never. Now however there is a very obstructive fence in situ, stopping access to the pathway.

20. Were you ever told by any owner or occupier or by their employee that the route was not public:

Never. This route has always been used by the public. Always

21. Has your use of the route ever been in exercise of some private right, such as visiting someone who lived along the route, going to your own land or property, or delivering goods:

I have constantly used the route to visit neighbour gain access to my property and used it to deliver goods. The route is in CONSTANT use by all of Ogilvie Terrace residents.

22. Is there to your knowledge evidence to support your claim eg. Enclosure Awards, Tithe Maps, Railway Maps:

NOT SURE

23. Is the route or any part of it enclosed between boundaries, ie hedges, fences, ditches, walls:

Not until a fence was erected on the 14th August 15
stopping residence and the public accessing the
route. This right of way has

Any further information.....
been in constant use by the public for as long
as I can remember (27 years) This fence has
stopped members of the public accessing their homes
easily and accessing the
Date: 31/8/15 surrounding area easily.

(FOR USE ONLY WITH A GROUP CLAIM - SEE NOTE ON FORM W.C.A.2).

PLEASE NOTE

1. All sections must be completed.
2. "statute law provides that a public right of way may be presumed to have been dedicated as a highway if it has been actually enjoyed by the public as a right and without interruption for a full period of 20 years before any date on which the right of the public to use the way is brought into question. (Highways Act 1980 Section 31(1) and 31(2)).
3. You may be asked to give evidence at a Public Inquiry should a dispute arise over the claimed path.
4. * Delete as necessary.

Completed forms to be returned to:-

Head of Regeneration and Planning,
Council Offices,
Pontllanfraith,
Blackwood, NP12 2YW

CAERPHILLY COUNTY BOROUGH COUNCIL

WILDLIFE AND COUNTRYSIDE ACT 1981

The Wildlife and Countryside
(Definitive Maps and Statements)
Regulations 1993

PUBLIC RIGHTS OF WAY EVIDENCE FORM COMPLETED BY:

Name:.....JOHN G GERESH.....

4. Name or route of path.....between NO 4 OGWIC TCE and NO 12 OGWIC TCE.....

5. National Grid References (ends of path).....

6. Type of path:Footpath* /~~Bridleway*~~ /~~Byway open to all traffic*~~.

7. Do you regard the path as public (SEE NOTE 2): Yes/~~No~~

8. Is the path well defined: Yes/~~No~~

9. How long have you known the path:.....47 years.....

10. Over what period have you used the path on foot, horseback, or motor vehicle, (state which).

ON FOOT FOR 47 years

11. How often over the period have you used the path:.....DAILY.....

12. For what purpose did you use the path:.....TO VISIT, DELIVER & Pleasure
EMERGENCY SERVICES, WALK MY DOGS.

13. Details of any stiles, handgates, field gates, bridges, notices, direction signs, warning signs, obstructions etc.

NONE

14. Name of Owner(s) or Tenant (s), if known:.....KARINA JAYNE GAUDEN.....

15. Have you ever been employed by, or a tenant of, the owner of the land affected by the path: Yes/~~No~~*

16. Have you ever seen other people using the same route ie, Locals, strangers, Both. If so were they on foot, horseback in a vehicle

YES, LOCALS, STRANGERS AND IN VEHICLES, "EMERGENCY"

17. Have you always followed the same route. If not when was it changed and if known by whom:

YES,

18. Did you ever seek or get permission to use the route. If so from whom:

NO, NEVER,

19. Have you, or to your knowledge has anyone, been stopped or turned back:

NO NEVER, UNTIL FENCE PUT UP, ON/Around 14/8/15

20. Were you ever told by any owner or occupier or by their employee that the route was not public:

NO NEVER.

21. Has your use of the route ever been in exercise of some private right, such as visiting someone who lived along the route, going to your own land or property, or delivering goods:

YES, DAILY, ALWAYS, Also C.B.C.C. Maintained PATH. IT IS TARMAC

22. Is there to your knowledge evidence to support your claim eg, Enclosure Awards, Tithe Maps, Railway Maps:

YES. THERE IS

23. Is the route or any part of it enclosed between boundaries, ie hedges, fences, ditches, walls:

NO, On or around 14th August 2015
the PARCEL OF LAND surrounding the

Any further information... Right of way was TOTALLY
ENCLOSED in a Feather edge 4^{Foot} FENCE, and
2 metre steel mesh fencing. There was
NO ACCESS WHATSOEVER to land or PATH.

Date: 30th August 2015

(FOR USE ONLY WITH A GROUP CLAIM - SEE NOTE ON FORM W.C.A.2).

PLEASE NOTE

1. All sections must be completed.
2. "statute law provides that a public right of way may be presumed to have been dedicated as a highway if it has been actually enjoyed by the public as a right and without interruption for a full period of 20 years before any date on which the right of the public to use the way is brought into question. (Highways Act 1980 Section 31(1) and 31(2))."
3. You may be asked to give evidence at a Public Inquiry should a dispute arise over the claimed path.
4. * Delete as necessary.

Completed forms to be returned to:-

Mrs P. Elliott,
Head of Regeneration and Planning,
Council Offices,
Pontllanfraith,
Blackwood. NP12 2YW

CAERPHILLY COUNTY BOROUGH COUNCIL

WILDLIFE AND COUNTRYSIDE ACT 1981

The Wildlife and Countryside
(Definitive Maps and Statements)
Regulations 1993

PUBLIC RIGHTS OF WAY EVIDENCE FORM COMPLETED BY:

Name:..... ROSE-MARINE COGGAN

4. Name or route of path..... DIAGONALLY FROM NO.4 TO NO.12 COGGAN

5. National Grid References (ends of path).....

6. Type of path: Footpath* / Bridleway* / Byway open to all traffic*.

7. Do you regard the path as public (SEE NOTE 2): Yes/No YES

8. Is the path well defined: Yes/No YES

9. How long have you known the path:..... ALMOST 10 YEARS

10. Over what period have you used the path on foot, horseback, or motor vehicle, (state which).

..... 65 YEARS (ON FOOT)

11. How often over the period have you used the path:..... ~~5 YEARS~~ 65 years

12. For what purpose did you use the path:..... VISITING FRIENDS & FAMILY

13. Details of any stiles, handgates, field gates, bridges, notices, direction signs, warning signs, obstructions etc.

..... No details of above!

14. Name of Owner(s) or Tenant (s), if known:..... UNKNOWN - Karina Joanne Gardner

15. Have you ever been employed by, or a tenant of, the owner of the land affected by the path: Yes/No* NO

16. Have you ever seen other people using the same route ie, Locals, strangers, Both. If so were they on foot, horseback in a vehicle

yes! the path is well used daily by locals, stragel
& delivery persons (on foot)

17. Have you always followed the same route. If not when was it changed and if known by whom:

yes most definitely! I was changed recently
by "Shadow's Holdings"

18. Did you ever seek or get permission to use the route. If so from whom:

Never had permission to use this route, it
has always been there, ever since I can remember.

19. Have you, or to your knowledge has anyone, been stopped or turned back:

Not to my knowledge has anyone been turned back,
until lately because of an enclosed fence
Now there is no admittance.

20. Were you ever told by any owner or occupier or by their employee that the route was not public:

Never

21. Has your use of the route ever been in exercise of some private right, such as visiting someone who lived along the route, going to your own land or property, or delivering goods:

"all of the above"
But I always thought the above was a
public route!

22. Is there to your knowledge evidence to support your claim eg, Enclosure Awards, Tithe Maps, Railway Maps:

No. I do :-

23. Is the route or any part of it enclosed between boundaries, ie hedges, fences, ditches, walls:

..... not until recently until the erection
..... of fencing! (14th Aug)

Any further information.....

..... This right of way has always
..... been there for as long as I can
..... remember. Lots of people cannot use steps
..... because of mobility problems & pushchairs etc.

Date:.....

3rd Aug 2015

(FOR USE ONLY WITH A GROUP CLAIM - SEE NOTE ON FORM W.C.A.2).

PLEASE NOTE

1. All sections must be completed.
2. "statute law provides that a public right of way may be presumed to have been dedicated as a highway if it has been actually enjoyed by the public as a right and without interruption for a full period of 20 years before any date on which the right of the public to use the way is brought into question. (Highways Act 1980 Section 31(1) and 31(2))".
3. You may be asked to give evidence at a Public Inquiry should a dispute arise over the claimed path.
4. * Delete as necessary.

Completed forms to be returned to:-

Mrs P. Elliott,
Head of Regeneration and Planning,
Council Offices,
Pontllanfraith,
Blackwood. NP12 2YW

CAERPHILLY COUNTY BOROUGH COUNCIL

WILDLIFE AND COUNTRYSIDE ACT 1981

The Wildlife and Countryside
(Definitive Maps and Statements)
Regulations 1993

PUBLIC RIGHTS OF WAY EVIDENCE FORM COMPLETED BY:

Name: AlMEE ELIZABETH WILLIAMS

4. Name or route of path: Diagonal path running from Logilvie up to 12 Ogilvie

5. National Grid References (ends of path): N/A

6. Type of path: Footpath* /Bridleway* /Byway open to all traffic*.

7. Do you regard the path as public (SEE NOTE 2): Yes/No

8. Is the path well defined: Yes/No

9. How long have you known the path: over 32 years.

10. Over what period have you used the path on foot, horseback, or motor vehicle, (state which).

always - since a child, grown up in Ogilvie Tce.

11. How often over the period have you used the path: always - daily when picking up my son from bus-stop

12. For what purpose did you use the path: using post box, collecting son from bus-stop, walking to cwm darren

13. Details of any stiles, handgates, field gates, bridges, notices, direction signs, warning signs, obstructions etc.

NONE

14. Name of Owner(s) or Tenant (s), if known: Karina Jayne Gauden

15. Have you ever been employed by, or a tenant of, the owner of the land affected by the path: Yes/No*

16. Have you ever seen other people using the same route ie, Locals, strangers, Both. If so were they on foot, horseback in a vehicle

Postman, delivery companies, visitors to Agilvie - parking spaces at rear of houses are very rarely available.

17. Have you always followed the same route. If not when was it changed and if known by whom:

Never used a different route.

18. Did you ever seek or get permission to use the route. If so from whom:

No, always been known as a path to get to Agilvie.

19. Have you, or to your knowledge has anyone, been stopped or turned back:

No, never.

20. Were you ever told by any owner or occupier or by their employee that the route was not public:

Never.

21. Has your use of the route ever been in exercise of some private right, such as visiting someone who lived along the route, going to your own land or property, or delivering goods:

No

22. Is there to your knowledge evidence to support your claim eg, Enclosure Awards, Tithe Maps, Railway Maps:

Unknown

23. Is the route or any part of it enclosed between boundaries, ie hedges, fences, ditches, walls:

Land/path was never enclosed; always accessible until Aug 13/14th 2015 when a fence was erected stopping all access!

Any further information... I have always used this path since a young child, I have continued to use it while collecting my son from the bus-stop from school and to post any mail. I also used it while visiting cum

Date: 31/08/2015

Darren
Paul
onfa

(FOR USE ONLY WITH A GROUP CLAIM - SEE NOTE ON FORM W.C.A.2).

PLEASE NOTE

1. All sections must be completed.
2. "statute law provides that a public right of way may be presumed to have been dedicated as a highway if it has been actually enjoyed by the public as a right and without interruption for a full period of 20 years before any date on which the right of the public to use the way is brought into question. (Highways Act 1980 Section 31(1) and 31(2))."
3. You may be asked to give evidence at a Public Inquiry should a dispute arise over the claimed path.
4. * Delete as necessary.

Completed forms to be returned to:-

Mrs P. Elliott,
Head of Regeneration and Planning,
Council Offices,
Pontllanfraith,
Blackwood. NP12 2YW

CAERPHILLY COUNTY BOROUGH COUNCIL

WILDLIFE AND COUNTRYSIDE ACT 1981

The Wildlife and Countryside
(Definitive Maps and Statements)
Regulations 1993

PUBLIC RIGHTS OF WAY EVIDENCE FORM COMPLETED BY:

Name: VALMAI PRICE

4. Name or route of path: OGILVIE HOUSES DIAGONAL PATH

5. National Grid References (ends of path):

6. Type of path: Footpath* ~~Bridleway*~~ ~~Byway open to all traffic*~~

7. Do you regard the path as public (SEE NOTE 2): Yes/No

8. Is the path well defined: Yes/No

9. How long have you known the path: 60 YRS

10. Over what period have you used the path on foot, horseback, or motor vehicle, (state which).

ALL MY LIFE

11. How often over the period have you used the path: CONTINUOUSLY

12. For what purpose did you use the path: TO GET POST BOX AND BUS STOP

13. Details of any stiles, handgates, field gates, bridges, notices, direction signs, warning signs, obstructions etc.

NONE

14. Name of Owner(s) or Tenant (s), if known: KARINA JAYNE GAUDEN

JOHN VINCENT O'CONNELL

15. Have you ever been employed by, or a tenant of, the owner of the land affected by the path: Yes/No*

16. Have you ever seen other people using the same route ie, Locals, strangers, Both. If so were they on foot, horseback in a vehicle

THE PATH HAS ALWAYS BEEN USED BY BOTH LOCALS & STRANGERS VISITING PEOPLE IN OGILVIE

17. Have you always followed the same route. If not when was it changed and if known by whom:

ALWAYS

18. Did you ever seek or get permission to use the route. If so from whom:

NO NEVER

19. Have you, or to your knowledge has anyone, been stopped or turned back:

NEVER

20. Were you ever told by any owner or occupier or by their employee that the route was not public:

No

21. Has your use of the route ever been in exercise of some private right, such as visiting someone who lived along the route, going to your own land or property, or delivering goods:

No

22. Is there to your knowledge evidence to support your claim eg, Enclosure Awards, Tithe Maps, Railway Maps:

DONT KNOW

PLEASE NOTE

1. All sections must be completed.
2. "statute law provides that a public right of way may be presumed to have been dedicated as a highway if it has been actually enjoyed by the public as a right and without interruption for a full period of 20 years before any date on which the right of the public to use the way is brought into question. (Highways Act 1980 Section 31(1) and 31(2))".
3. You may be asked to give evidence at a Public Inquiry should a dispute arise over the claimed path.
4. * Delete as necessary.

Completed forms to be returned to:-

Mrs P. Elliott,
Head of Regeneration and Planning,
Council Offices,
Pontllanfraith,
Blackwood. NP12 2YW

23. Is the route or any part of it enclosed between boundaries, ie hedges, fences, ditches, walls:

THIS PATH HAS NEVER HAD ANYTHING STOPPING USERS FROM WALKING ON THE PATH TILL A FENCE WAS PUT UP. 14th AUG 2015.

Any further information.....

THIS PATH HAS BEEN USED SINCE THE HOUSES WERE BUILT, THERE ARE SOME PEOPLE WHO CANNOT USE STEPS. THESE PEOPLE ALSO USE PATH.

Date: 30-8-15.

i.e. Wheelchairs, pushchairs, & people with difficulty walking. Flat paths are much easier.

(FOR USE ONLY WITH A GROUP CLAIM - SEE NOTE ON FORM W.C.A.2).

also letters enclosed.

²
This right of way has been used since the houses were built in 1920.

Delivery men use the path, sometimes pushing trolleys to deliver goods, because of the lack of parking available behind Ogilvie Terrace Nos 5 to 24.

My relatives always use the path when visiting me, as you can see from photo's enclosed the path was tarmaced, it has since been damaged, but it still has some tarmac joining the adopted highway behind Nos 1-4. The top of the path has been walked on continually and so has been well trodden & kept down. The council has cut the grass either side of the path. This

1
To Whom it may concern,

3-9-15

Dear Sir/Madam

As a resident of Ogilvie Ave. I wish to complain about the erection of a wooden fence, on the path outside the front of my home.

The right of way has been blocked off completely.

I am not able to use the steps that are at the side of Oaklands as I have balance & sight problems.

There are a lot of residents who also have difficulty using steps, their means of getting ~~to~~ where they need to go has now been taken from them.

3
was last done at the beg.
of August. Please reinitiate
our path.
yours truly,



CAERPHILLY COUNTY BOROUGH COUNCIL

WILDLIFE AND COUNTRYSIDE ACT 1981

The Wildlife and Countryside
(Definitive Maps and Statements)
Regulations 1993

PUBLIC RIGHTS OF WAY EVIDENCE FORM COMPLETED BY:

Name: S. J. Pullen

4. Name or route of path: Diagonal Path

5. National Grid References (ends of path):

6. Type of path: Footpath* /Bridleway* /Byway open to all traffic*.

7. Do you regard the path as public (SEE NOTE 2): Yes/~~No~~

8. Is the path well defined: Yes/~~No~~

9. How long have you known the path: 40 year's

10. Over what period have you used the path on foot, horseback, or motor vehicle, (state which).

all the time I have lived here on Foot

11. How often over the period have you used the path: every Day

12. For what purpose did you use the path: To get Bus, Post, School

13. Details of any stiles, handgates, field gates, bridges, notices, direction signs, warning signs, obstructions etc.

None

14. Name of Owner(s) or Tenant (s), if known: KARINA Jayne Gauden

John Vincent O'Connell

15. Have you ever been employed by, or a tenant of, the owner of the land affected by the path: ~~Yes~~/No*

16. Have you ever seen other people using the same route ie, Locals, strangers, Both. If so were they on foot, horseback in a vehicle

YES on Foot

17. Have you always followed the same route. If not when was it changed and if known by whom:

YES

18. Did you ever seek or get permission to use the route. If so from whom:

NEVER

19. Have you, or to your knowledge has anyone, been stopped or turned back:

NO NEVER

20. Were you ever told by any owner or occupier or by their employee that the route was not public:

NO

21. Has your use of the route ever been in exercise of some private right, such as visiting someone who lived along the route, going to your own land or property, or delivering goods:

NO

22. Is there to your knowledge evidence to support your claim eg, Enclosure Awards, Tithe Maps, Railway Maps:

Dont know

23. Is the route or any part of it enclosed between boundaries, ie hedges, fences, ditches, walls:

..... Fence Erected 13th/14th August 2015

Any further information..... This ~~is~~ has been a right of
way since the houses were built in
the 1920s.

Date: 31-8-15.

(FOR USE ONLY WITH A GROUP CLAIM - SEE NOTE ON FORM W.C.A.2).

PLEASE NOTE

1. All sections must be completed.
2. "statute law provides that a public right of way may be presumed to have been dedicated as a highway if it has been actually enjoyed by the public as a right and without interruption for a full period of 20 years before any date on which the right of the public to use the way is brought into question. (Highways Act 1980 Section 31(1) and 31(2))".
3. You may be asked to give evidence at a Public Inquiry should a dispute arise over the claimed path.
4. * Delete as necessary.

Completed forms to be returned to:-

Mrs P. Elliott,
Head of Regeneration and Planning,
Council Offices,
Pontllanfraith,
Blackwood. NP12 2YW

CAERPHILLY COUNTY BOROUGH COUNCIL

WILDLIFE AND COUNTRYSIDE ACT 1981

The Wildlife and Countryside
(Definitive Maps and Statements)
Regulations 1993

PUBLIC RIGHTS OF WAY EVIDENCE FORM COMPLETED BY:

Name: Peter Pullen

4. Name or route of path: Diagonal Path

5. National Grid References (ends of path):

6. Type of path: Footpath* /Bridleway* /Byway open to all traffic*.

7. Do you regard the path as public (SEE NOTE 2): Yes/No

8. Is the path well defined: Yes/No

9. How long have you known the path: 10 years

10. Over what period have you used the path on foot, horseback, or motor vehicle, (state which).

~~Since 1970~~ most of my life

11. How often over the period have you used the path: Continuously

12. For what purpose did you use the path: To get to bus stop

13. Details of any stiles, handgates, field gates, bridges, notices, direction signs, warning signs, obstructions etc.

None

14. Name of Owner(s) or Tenant (s), if known: Karina Jayne, Gauden

John, Vincent O'Connell

15. Have you ever been employed by, or a tenant of, the owner of the land affected by the path: Yes/No*

16. Have you ever seen other people using the same route ie, Locals, strangers, Both. If so were they on foot, horseback in a vehicle

Yes on foot and bike

17. Have you always followed the same route. If not when was it changed and if known by whom:

Yes

18. Did you ever seek or get permission to use the route. If so from whom:

NO

19. Have you, or to your knowledge has anyone, been stopped or turned back:

NO

20. Were you ever told by any owner or occupier or by their employee that the route was not public:

NO

21. Has your use of the route ever been in exercise of some private right, such as visiting someone who lived along the route, going to your own land or property, or delivering goods:

NO

22. Is there to your knowledge evidence to support your claim eg, Enclosure Awards, Tithe Maps, Railway Maps:

Dont Know

23. Is the route or any part of it enclosed between boundaries, ie hedges, fences, ditches, walls:

fence erected 13th/14th August 2015.

Any further information..... This has been a right of
way since the houses were built in
the 1920's

Date: 31/8/15

(FOR USE ONLY WITH A GROUP CLAIM - SEE NOTE ON FORM W.C.A.2).

PLEASE NOTE

1. All sections must be completed.
2. "statute law provides that a public right of way may be presumed to have been dedicated as a highway if it has been actually enjoyed by the public as a right and without interruption for a full period of 20 years before any date on which the right of the public to use the way is brought into question. (Highways Act 1980 Section 31(1) and 31(2)".
3. You may be asked to give evidence at a Public Inquiry should a dispute arise over the claimed path.
4. * Delete as necessary.

Completed forms to be returned to:-

Mrs P. Elliott,
Head of Regeneration and Planning,
Council Offices,
Pontllanfraith,
Blackwood. NP12 2YW

CAERPHILLY COUNTY BOROUGH COUNCIL

WILDLIFE AND COUNTRYSIDE ACT 1981

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PUBLIC RIGHTS OF WAY EVIDENCE FORM COMPLETED BY:

Name:..... Mr + Mrs EDWARDS

4. Name or route of path..... Diagonal Lane

5. National Grid References (ends of path).....

6. Type of path: Footpath* /Bridleway* /Byway open to all traffic*.

7. Do you regard the path as public (SEE NOTE 2): Yes/No

8. Is the path well defined: Yes/No

9. How long have you known the path:..... 26 years

10. Over what period have you used the path on foot, horseback, or motor vehicle, (state which).

..... 26 years

11. How often over the period have you used the path:..... Daily

12. For what purpose did you use the path:..... To and from vehicles

13. Details of any stiles, handgates, field gates, bridges, notices, direction signs, warning signs, obstructions etc.

..... N/A

14. Name of Owner(s) or Tenant (s), if known:..... Karina Jayne Gauden

15. Have you ever been employed by, or a tenant of, the owner of the land affected by the path: Yes/No*

16. Have you ever seen other people using the same route ie, Locals, strangers, Both. If so were they on foot, horseback in a vehicle

Yes - foot, wheelchair; Bicycle etc.

17. Have you always followed the same route. If not when was it changed and if known by whom:

Yes.

18. Did you ever seek or get permission to use the route. If so from whom:

NO.

19. Have you, or to your knowledge has anyone, been stopped or turned back:

NO.

20. Were you ever told by any owner or occupier or by their employee that the route was not public:

NO.

21. Has your use of the route ever been in exercise of some private right, such as visiting someone who lived along the route, going to your own land or property, or delivering goods:

Visiting Grandparents & then attending own home

22. Is there to your knowledge evidence to support your claim eg, Enclosure Awards, Tithe Maps, Railway Maps:

Not Sure

23. Is the route or any part of it enclosed between boundaries, ie hedges, fences, ditches, walls:

Grass

Any further information.....

Date:.....

31/8/15

(FOR USE ONLY WITH A GROUP CLAIM - SEE NOTE ON FORM W.C.A.2).

PLEASE NOTE

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2. "statute law provides that a public right of way may be presumed to have been dedicated as a highway if it has been actually enjoyed by the public as a right and without interruption for a full period of 20 years before any date on which the right of the public to use the way is brought into question. (Highways Act 1980 Section 31(1) and 31(2)).
3. You may be asked to give evidence at a Public Inquiry should a dispute arise over the claimed path.
4. * Delete as necessary.

Completed forms to be returned to:-

Mrs P. Elliott,
Head of Regeneration and Planning,
Council Offices,
Pontllanfraith,
Blackwood. NP12 2YW

CAERPHILLY COUNTY BOROUGH COUNCIL

WILDLIFE AND COUNTRYSIDE ACT 1981

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(Definitive Maps and Statements)
Regulations 1993

PUBLIC RIGHTS OF WAY EVIDENCE FORM COMPLETED BY:

Name:..... JEAN THORNE

4. Name or route of path..... Diagonal path leading to main road

5. National Grid References (ends of path).....

6. Type of path: Footpath* / Bridleway* / Byway open to all traffic*.

7. Do you regard the path as public (SEE NOTE 2): Yes/ No Definite

8. Is the path well defined: Yes/ No

9. How long have you known the path:..... 79 years

10. Over what period have you used the path on foot, horseback, or motor vehicle, (state which).

Continually all my life

11. How often over the period have you used the path:..... Always

12. For what purpose did you use the path:..... To go to Post Box + Bus Stop

13. Details of any stiles, handgates, field gates, bridges, notices, direction signs, warning signs, obstructions etc.

None

14. Name of Owner(s) or Tenant (s), if known:..... Katrina Jayne Gauden

15. Have you ever been employed by, or a tenant of, the owner of the land affected by the path: Yes / No*

16. Have you ever seen other people using the same route ie, Locals, strangers, Both. If so were they on foot, horseback in a vehicle

Locals have always used this footpath. Our only access for deliveries does not always accommodate large vans so they park below & deliver using the footpath. Take it from us and we will not have ~~the~~ delivery without a lot of difficulty.

17. Have you always followed the same route. If not when was it changed and if known by whom:

The path has always been there. When I was a child the P. D. Shed was at the bottom of path & was used by workmen who came for maintenance on the houses.

18. Did you ever seek or get permission to use the route. If so from whom:

No not needed. For my 79 years it was always used to access main road & Gibbs Shop

19. Have you, or to your knowledge has anyone, been stopped or turned back:

never

20. Were you ever told by any owner or occupier or by their employee that the route was not public:

no.

21. Has your use of the route ever been in exercise of some private right, such as visiting someone who lived along the route, going to your own land or property, or delivering goods:

no.

22. Is there to your knowledge evidence to support your claim eg, Enclosure Awards, Tithe Maps, Railway Maps:

no. Unknown.

23. Is the route or any part of it enclosed between boundaries, ie hedges, fences, ditches, walls:

no.

Any further information... I have difficulty with steps, and there is always someone worse than me. So the possibility of pushchairs & wheelchairs make it a necessity to keep our footpath. I have always thought that with so much use it could not be taken from the residents.

Date:

28.08.15. Jean Thorne.

(FOR USE ONLY WITH A GROUP CLAIM - SEE NOTE ON FORM W.C.A.2).

PLEASE NOTE

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3. You may be asked to give evidence at a Public Inquiry should a dispute arise over the claimed path.
4. * Delete as necessary.

Completed forms to be returned to:-

Mrs P. Elliott,
Head of Regeneration and Planning,
Council Offices,
Pontllanfraith,
Blackwood. NP12 2YW

CAERPHILLY COUNTY BOROUGH COUNCIL

WILDLIFE AND COUNTRYSIDE ACT 1981

The Wildlife and Countryside
(Definitive Maps and Statements)
Regulations 1993

PUBLIC RIGHTS OF WAY EVIDENCE FORM COMPLETED BY:

Name:..... IRENE RAPER

4. Name or route of path..... FROM H. OGILVIE TERRACE TO 12 OGILVIE

5. National Grid References (ends of path).....

6. Type of path:Footpath* /Bridleway* /Byway open to all traffic*.

7. Do you regard the path as public (SEE NOTE 2): Yes/No

8. Is the path well defined: Yes/No

9. How long have you known the path:..... 27 YRS.

10. Over what period have you used the path on foot, horseback, or motor vehicle, (state which).

..... By FOOT.

11. How often over the period have you used the path:..... FOR 27 YEARS

12. For what purpose did you use the path:..... WALKING TO BUS STOP.

13. Details of any stiles, handgates, field gates, bridges, notices, direction signs, warning signs, obstructions etc.

..... NONE

14. Name of Owner(s) or Tenant (s), if known:..... KARIANA JAYNE GAUDEN

..... John Vincent O'Connell

15. Have you ever been employed by, or a tenant of, the owner of the land affected by the path: Yes/No*

16. Have you ever seen other people using the same route ie, Locals, strangers, Both. If so were they on foot, horseback in a vehicle

ON FOOT

17. Have you always followed the same route. If not when was it changed and if known by whom:

YES ALWAYS

18. Did you ever seek or get permission to use the route. If so from whom:

No I THOUGHT RESIDENTS HAD
THE RIGHT OF WAY

19. Have you, or to your knowledge has anyone, been stopped or turned back:

No.

20. Were you ever told by any owner or occupier or by their employee that the route was not public:

No

21. Has your use of the route ever been in exercise of some private right, such as visiting someone who lived along the route, going to your own land or property, or delivering goods:

VISITORS.

22. Is there to your knowledge evidence to support your claim eg, Enclosure Awards, Tithe Maps, Railway Maps:

No.

23. Is the route or any part of it enclosed between boundaries, ie hedges, fences, ditches, walls:

..... TO THE BACK & FRONT OF
..... THE HOUSE

Any further information..... I ALWAYS USE THIS PATH
..... EITHER FOR WALKING FOR
..... EXERCISE AND ALWAYS TO GET
..... TO THE BUS STOP.

Date:..... 31-08-2015 Mrs. Ln Rapel

(FOR USE ONLY WITH A GROUP CLAIM - SEE NOTE ON FORM W.C.A.2).

PLEASE NOTE

1. All sections must be completed.
2. "statute law provides that a public right of way may be presumed to have been dedicated as a highway if it has been actually enjoyed by the public as a right and without interruption for a full period of 20 years before any date on which the right of the public to use the way is brought into question. (Highways Act 1980 Section 31(1) and 31(2))".
3. You may be asked to give evidence at a Public Inquiry should a dispute arise over the claimed path.
4. * Delete as necessary.

Completed forms to be returned to:-

Mrs P. Elliott,
Head of Regeneration and Planning,
Council Offices,
Pontllanfraith,
Blackwood, NP12 2YW

CAERPHILLY COUNTY BOROUGH COUNCIL

WILDLIFE AND COUNTRYSIDE ACT 1981

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(Definitive Maps and Statements)
Regulations 1993

PUBLIC RIGHTS OF WAY EVIDENCE FORM COMPLETED BY:

Name: YVONNE WOODHOUSE - GRAVETT

4. Name or route of path: Between No 4 + 12 OGILVIE TERRACE

5. National Grid References (ends of path).....

6. Type of path: Footpath* / ~~Bridleway*~~ / ~~Byway open to all traffic*~~.

7. Do you regard the path as public (SEE NOTE 2): Yes/~~No~~

8. Is the path well defined: Yes/~~No~~

9. How long have you known the path: 27 yrs

10. Over what period have you used the path on foot, horseback, or motor vehicle, (state which).

Foot

11. How often over the period have you used the path: 27 yrs

12. For what purpose did you use the path: to get to Bus Stop

13. Details of any stiles, handgates, field gates, bridges, notices, direction signs, warning signs, obstructions etc.

None

14. Name of Owner(s) or Tenant (s), if known: KARINA JAYNE GAUSEN

John Vincent O'Connell

15. Have you ever been employed by, or a tenant of, the owner of the land affected by the path: Yes/~~No~~*

16. Have you ever seen other people using the same route ie, Locals, strangers, Both. If so were they on foot, horseback in a vehicle

BOTH ON FOOT

17. Have you always followed the same route. If not when was it changed and if known by whom:

Yes

18. Did you ever seek or get permission to use the route. If so from whom:

No - always assumed it was right of way as it was Tarmac

19. Have you, or to your knowledge has anyone, been stopped or turned back:

No

20. Were you ever told by any owner or occupier or by their employee that the route was not public:

No

21. Has your use of the route ever been in exercise of some private right, such as visiting someone who lived along the route, going to your own land or property, or delivering goods:

For Goods ~~to~~ Delivered to my house

22. Is there to your knowledge evidence to support your claim eg, Enclosure Awards, Tithe Maps, Railway Maps:

No

23. Is the route or any part of it enclosed between boundaries, ie hedges, fences, ditches, walls:

It Runs between the top and
Bottom House of OGILVIE TERRACES

Any further information.....

this path is always
used by me and all members
of the residents of OGILVIE TERRACES

Date:.....

30/08/15 Woodhame - Gravett

(FOR USE ONLY WITH A GROUP CLAIM - SEE NOTE ON FORM W.C.A.2).

PLEASE NOTE

1. All sections must be completed.
2. "statute law provides that a public right of way may be presumed to have been dedicated as a highway if it has been actually enjoyed by the public as a right and without interruption for a full period of 20 years before any date on which the right of the public to use the way is brought into question. (Highways Act 1980 Section 31(1) and 31(2))."
3. You may be asked to give evidence at a Public Inquiry should a dispute arise over the claimed path.
4. * Delete as necessary.

Completed forms to be returned to:-

Mrs P. Elliott,
Head of Regeneration and Planning,
Council Offices,
Pontllanfraith,
Blackwood. NP12 2YW

CAERPHILLY COUNTY BOROUGH COUNCIL

WILDLIFE AND COUNTRYSIDE ACT 1981

The Wildlife and Countryside
(Definitive Maps and Statements)
Regulations 1993

PUBLIC RIGHTS OF WAY EVIDENCE FORM COMPLETED BY:

Name: STEPHEN GRAVETT

4. Name or route of path: From 4 OGILVIE TERRACE TO 12 OGILVIE TERRACE

5. National Grid References (ends of path):

6. Type of path: Footpath* / ~~Bridleway*~~ / ~~Byway open to all traffic*~~

7. Do you regard the path as public (SEE NOTE 2): Yes/~~No~~

8. Is the path well defined: Yes/~~No~~

9. How long have you known the path: 18 years

10. Over what period have you used the path on foot, horseback, or motor vehicle, (state which).

By foot

11. How often over the period have you used the path: 18 years

12. For what purpose did you use the path: WALKING

13. Details of any stiles, handgates, field gates, bridges, notices, direction signs, warning signs, obstructions etc.

None

14. Name of Owner(s) or Tenant (s), if known: KARINA JAYNE GARDNER

JOHN VINCENT O'CONNELL

15. Have you ever been employed by, or a tenant of, the owner of the land affected by the path: Yes/No*

16. Have you ever seen other people using the same route ie, Locals, strangers, Both. If so were they on foot, horseback in a vehicle

Both on foot

17. Have you always followed the same route. If not when was it changed and if known by whom:

Yes

18. Did you ever seek or get permission to use the route. If so from whom:

Assumed it was a right of way
as it was a former PATH

19. Have you, or to your knowledge has anyone, been stopped or turned back:

NO

20. Were you ever told by any owner or occupier or by their employee that the route was not public:

NO

21. Has your use of the route ever been in exercise of some private right, such as visiting someone who lived along the route, going to your own land or property, or delivering goods:

The Goods to ~~be~~ Delivered
to the front of House

22. Is there to your knowledge evidence to support your claim eg, Enclosure Awards, Tithe Maps, Railway Maps:

NO

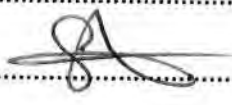
23. Is the route or any part of it enclosed between boundaries, ie hedges, fences, ditches, walls:

NO

Any further information

A BURNANCE'S Some lines come
to the front of the Houses at
Ogilvie Terrace

Date:

30/08/15 

(FOR USE ONLY WITH A GROUP CLAIM - SEE NOTE ON FORM W.C.A.2).

PLEASE NOTE

1. All sections must be completed.
2. "statute law provides that a public right of way may be presumed to have been dedicated as a highway if it has been actually enjoyed by the public as a right and without interruption for a full period of 20 years before any date on which the right of the public to use the way is brought into question. (Highways Act 1980 Section 31(1) and 31(2)".
3. You may be asked to give evidence at a Public Inquiry should a dispute arise over the claimed path.
4. * Delete as necessary.

Completed forms to be returned to:-

Mrs P. Elliott,
Head of Regeneration and Planning,
Council Offices,
Pontllanfraith,
Blackwood. NP12 2YW

CAERPHILLY COUNTY BOROUGH COUNCIL

WILDLIFE AND COUNTRYSIDE ACT 1981

The Wildlife and Countryside
(Definitive Maps and Statements)
Regulations 1993

PUBLIC RIGHTS OF WAY EVIDENCE FORM COMPLETED BY:

Name; J.H. Williams

4. Name or route of path Diagonal from Ogilvie Terrace

5. National Grid References (ends of path).....

6. Type of path: ~~Footpath*/Bridleway*/Byway open to all traffic*~~

7. Do you regard the path as public (SEE NOTE 2): Yes/~~No~~

8. Is the path well defined: Yes/~~No~~

9. How long have you known the path: 37yr

10. Over what period have you used the path on foot, horseback, or motor vehicle, (state which).

37

11. How often over the period have you used the path: daily

12. For what purpose did you use the path: to get to village, general walk

13. Details of any stiles, handgates, field gates, bridges, notices, direction signs, warning signs, obstructions etc.

None

14. Name of Owner(s) or Tenant (s), if known:.....

Karina Gauden

15. Have you ever been employed by, or a tenant of, the owner of the land affected by the path: ~~Yes~~/No*

16. Have you ever seen other people using the same route ie, Locals, strangers, Both. If so were they on foot, horseback in a vehicle

..... yes

17. Have you always followed the same route. If not when was it changed and if known by whom:

..... yes

18. Did you ever seek or get permission to use the route. If so from whom:

..... no

19. Have you, or to your knowledge has anyone, been stopped or turned back:

..... no

20. Were you ever told by any owner or occupier or by their employee that the route was not public:

..... no

21. Has your use of the route ever been in exercise of some private right, such as visiting someone who lived along the route, going to your own land or property, or delivering goods:

..... no

22. Is there to your knowledge evidence to support your claim eg, Enclosure Awards, Tithe Maps, Railway Maps:

..... unknown

23. Is the route or any part of it enclosed between boundaries, ie hedges, fences, ditches, walls:

Never till now

Any further information

my only concern is for people who are disabled and can't use steps ie, wheelchairs and prams can't use steps

Date:

(FOR USE ONLY WITH A GROUP CLAIM - SEE NOTE ON FORM W.C.A.2).

PLEASE NOTE

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3. You may be asked to give evidence at a Public Inquiry should a dispute arise over the claimed path.
4. * Delete as necessary.

Completed forms to be returned to:-

Mrs P. Elliott,
Head of Regeneration and Planning,
Council Offices,
Pontllanfraith,
Blackwood. NP12 2YW

CAERPHILLY COUNTY BOROUGH COUNCIL

WILDLIFE AND COUNTRYSIDE ACT 1981

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(Definitive Maps and Statements)
Regulations 1993

PUBLIC RIGHTS OF WAY EVIDENCE FORM COMPLETED BY:

- Name:.....DAVID COLES.....
4. Name or route of path.....path leading from 4ogilvie To 12ogilvie.....
5. National Grid References (ends of path).....
6. Type of path:Footpath* /~~Bridleway*~~ /~~Byway open to all traffic*~~.
7. Do you regard the path as public (SEE NOTE 2): Yes/No
8. Is the path well defined: Yes/No
9. How long have you known the path:.....50 Lived here known 90yrs.....
10. Over what period have you used the path on foot, horseback, or motor vehicle, (state which).
.....50yrs.....
11. How often over the period have you used the path:.....DAILY.....
12. For what purpose did you use the path:.....POST LETTERS + use SHOP.....
13. Details of any stiles, handgates, field gates, bridges, notices, direction signs, warning signs, obstructions etc.
.....None.....
14. Name of Owner(s) or Tenant (s), if known:.....NOT KNOWN......
15. Have you ever been employed by, or a tenant of, the owner of the land affected by the path: Yes/No*

16. Have you ever seen other people using the same route ie, Locals, strangers, Both. If so were they on foot, horseback in a vehicle

..... yes

17. Have you always followed the same route. If not when was it changed and if known by whom:

..... yes

18. Did you ever seek or get permission to use the route. If so from whom:

..... No

19. Have you, or to your knowledge has anyone, been stopped or turned back:

..... No

20. Were you ever told by any owner or occupier or by their employee that the route was not public:

..... No

21. Has your use of the route ever been in exercise of some private right, such as visiting someone who lived along the route, going to your own land or property, or delivering goods:

..... No

22. Is there to your knowledge evidence to support your claim eg, Enclosure Awards, Tithe Maps, Railway Maps:

..... DON'T KNOW

23. Is the route or any part of it enclosed between boundaries, ie hedges, fences, ditches, walls:

WAS NOT Till BEginning. Aug but now fence
all around stopping us using path.

Any further information.....

.....

.....

.....

Date: 30-8-15.....

(FOR USE ONLY WITH A GROUP CLAIM - SEE NOTE ON FORM W.C.A.2).

PLEASE NOTE

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2. "statute law provides that a public right of way may be presumed to have been dedicated as a highway if it has been actually enjoyed by the public as a right and without interruption for a full period of 20 years before any date on which the right of the public to use the way is brought into question. (Highways Act 1980 Section 31(1) and 31(2)".
3. You may be asked to give evidence at a Public Inquiry should a dispute arise over the claimed path.
4. * Delete as necessary.

Completed forms to be returned to:-

Mrs P. Elliott,
Head of Regeneration and Planning,
Council Offices,
Pontllanfraith,
Blackwood. NP12 2YW

CAERPHILLY COUNTY BOROUGH COUNCIL

WILDLIFE AND COUNTRYSIDE ACT 1981

The Wildlife and Countryside
(Definitive Maps and Statements)
Regulations 1993

PUBLIC RIGHTS OF WAY EVIDENCE FORM COMPLETED BY:

Name;..... J. C. MOORE

4. Name or route of path..... DIAGONAL PATH

5. National Grid References (ends of path).....

6. Type of path:Footpath* /Bridleway* /Byway open to all traffic* .

7. Do you regard the path as public (SEE NOTE 2): Yes/~~No~~

8. Is the path well defined: Yes/~~No~~

9. How long have you known the path:..... 40 yrs

10. Over what period have you used the path on foot, horseback, or motor vehicle, (state which).

..... OVER 40 yrs

11. How often over the period have you used the path:..... DAILY WHEN I WAS YOUNGER

12. For what purpose did you use the path:..... FROM THE HOUSES TO THE MAIN RD.

13. Details of any stiles, handgates, field gates, bridges, notices, direction signs, warning signs, obstructions etc.

..... NIL

14. Name of Owner(s) or Tenant (s), if known:..... NOT KNOWN

15. Have you ever been employed by, or a tenant of, the owner of the land affected by the path: ~~Yes~~/No*

16. Have you ever seen other people using the same route ie, Locals, strangers, Both. If so were they on foot, horseback in a vehicle

YES

17. Have you always followed the same route. If not when was it changed and if known by whom:

YES

18. Did you ever seek or get permission to use the route. If so from whom:

No

19. Have you, or to your knowledge has anyone, been stopped or turned back:

No

20. Were you ever told by any owner or occupier or by their employee that the route was not public:

No

21. Has your use of the route ever been in exercise of some private right, such as visiting someone who lived along the route, going to your own land or property, or delivering goods:

No

22. Is there to your knowledge evidence to support your claim eg, Enclosure Awards, Tithe Maps, Railway Maps:

YES

23. Is the route or any part of it enclosed between boundaries, ie hedges, fences, ditches, walls:

..... NEVER TILL FENCE ERECTED

Any further information.....

..... I LIVE HERE AND IT WAS THE ONLY WAY TO THE
..... BUS & TRAIN + SHOP

Date:..... 26.9.15,

(FOR USE ONLY WITH A GROUP CLAIM - SEE NOTE ON FORM W.C.A.2).

PLEASE NOTE

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3. You may be asked to give evidence at a Public Inquiry should a dispute arise over the claimed path.
4. * Delete as necessary.

Completed forms to be returned to:-

Mrs P. Elliott,
Head of Regeneration and Planning,
Council Offices,
Pontllanfraith,
Blackwood. NP12 2YW

CAERPHILLY COUNTY BOROUGH COUNCIL

WILDLIFE AND COUNTRYSIDE ACT 1981

The Wildlife and Countryside
(Definitive Maps and Statements)
Regulations 1993

PUBLIC RIGHTS OF WAY EVIDENCE FORM COMPLETED BY:

Name;.....STEPHEN BOYLES.....

4. Name or route of path.....OGILVIE TERRACE, DERI.....

5. National Grid References (ends of path).....

6. Type of path:Footpath* /Bridleway* /Byway open to all traffic*.

7. Do you regard the path as public (SEE NOTE 2): Yes/~~No~~

8. Is the path well defined: Yes/~~No~~

9. How long have you known the path:.....25 YEARS.....

10.Over what period have you used the path on foot, horseback, or motor vehicle, (state which).

.....25 YEARS ON FOOT.....

11.How often over the period have you used the path:.....DAILY.....

12.For what purpose did you use the path:.....GO TO PARENT IN LAWS.....

13.Details of any stiles, handgates, field gates, bridges, notices, direction signs, warning signs, obstructions etc.

.....
.....

14.Name of Owner(s) or Tenant (s), if known:.....

.....
.....

15. Have you ever been employed by, or a tenant of, the owner of the land affected by the path: ~~Yes~~/No*

16. Have you ever seen other people using the same route ie, Locals, strangers, Both. If so were they on foot, horseback in a vehicle

.....
.....
YES - BOTH

17. Have you always followed the same route. If not when was it changed and if known by whom:

.....
.....
YES ALWAYS

18. Did you ever seek or get permission to use the route. If so from whom:

.....
.....
No

19. Have you, or to your knowledge has anyone, been stopped or turned back:

.....
.....
No

20. Were you ever told by any owner or occupier or by their employee that the route was not public:

.....
.....
NO NEVER

21. Has your use of the route ever been in exercise of some private right, such as visiting someone who lived along the route, going to your own land or property, or delivering goods:

.....
.....
YES PARENT IN LAWS

22. Is there to your knowledge evidence to support your claim eg, Enclosure Awards, Tithe Maps, Railway Maps:

.....
.....
.....

23. Is the route or any part of it enclosed between boundaries, ie hedges, fences, ditches, walls:

No

Any further information..... I HAVE ALWAYS USED THIS
FOOTPATH TO GO TO PARENT IN LAWS IN
OGILVIE TERRACE

Date: 30/08/2015

(FOR USE ONLY WITH A GROUP CLAIM - SEE NOTE ON FORM W.C.A.2).

PLEASE NOTE

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3. You may be asked to give evidence at a Public Inquiry should a dispute arise over the claimed path.
4. * Delete as necessary.

Completed forms to be returned to:-

Mrs P. Elliott,
Head of Regeneration and Planning,
Council Offices,
Pontllanfraith,
Blackwood. NP12 2YW

CAERPHILLY COUNTY BOROUGH COUNCIL

WILDLIFE AND COUNTRYSIDE ACT 1981

The Wildlife and Countryside
(Definitive Maps and Statements)
Regulations 1993

PUBLIC RIGHTS OF WAY EVIDENCE FORM COMPLETED BY:

Name:..... SIÂN BOYLES

4. Name or route of path..... OGILVIE TERRACE, DERI

5. National Grid References (ends of path).....

6. Type of path:Footpath* /Bridleway* /Byway open to all traffic*.

7. Do you regard the path as public (SEE NOTE 2): Yes/~~No~~

8. Is the path well defined: Yes/~~No~~

9. How long have you known the path:..... 45 YEARS

10.Over what period have you used the path on foot, horseback, or motor vehicle, (state which).

..... 45 YEARS ON FOOT

11.How often over the period have you used the path:..... DAILY

12.For what purpose did you use the path:..... ACCESS TO PARENTS HOUSE

13.Details of any stiles, handgates, field gates, bridges, notices, direction signs, warning signs, obstructions etc.

.....
.....

14.Name of Owner(s) or Tenant (s), if known:.....

.....
.....

15. Have you ever been employed by, or a tenant of, the owner of the land affected by the path: ~~Yes~~/No*

16. Have you ever seen other people using the same route ie, Locals, strangers, Both. If so were they on foot, horseback in a vehicle

BOTH

17. Have you always followed the same route. If not when was it changed and if known by whom:

YES ALWAYS SAME ROUTE

18. Did you ever seek or get permission to use the route. If so from whom:

N/A

19. Have you, or to your knowledge has anyone, been stopped or turned back:

N/A

20. Were you ever told by any owner or occupier or by their employee that the route was not public:

NO

21. Has your use of the route ever been in exercise of some private right, such as visiting someone who lived along the route, going to your own land or property, or delivering goods:

YES - PARENTS HOUSE

22. Is there to your knowledge evidence to support your claim eg, Enclosure Awards, Tithe Maps, Railway Maps:

NOT KNOWN

23. Is the route or any part of it enclosed between boundaries, ie hedges, fences, ditches, walls:

No

Any further information I HAVE ALWAYS USED THIS
FOOTPATH TO GO TO MY PARENTS

Date: 30/08/2015

(FOR USE ONLY WITH A GROUP CLAIM - SEE NOTE ON FORM W.C.A.2).

PLEASE NOTE

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3. You may be asked to give evidence at a Public Inquiry should a dispute arise over the claimed path.
4. * Delete as necessary.

Completed forms to be returned to:-

Mrs P. Elliott,
Head of Regeneration and Planning,
Council Offices,
Pontllanfraith,
Blackwood. NP12 2YW

CAERPHILLY COUNTY BOROUGH COUNCIL

WILDLIFE AND COUNTRYSIDE ACT 1981

The Wildlife and Countryside
(Definitive Maps and Statements)
Regulations 1993

PUBLIC RIGHTS OF WAY EVIDENCE FORM COMPLETED BY:

Name;... GAREN JOHN HEDDACE.....

4. Name or route of path... WALKWAY PATH - OELVIE TERRACE BETWEEN NO AND

5. National Grid References (ends of path).....

6. Type of path:Footpath* /Bridleway* /Byway open to all traffic*.....

7. Do you regard the path as public (SEE NOTE 2): Yes/~~No~~

8. Is the path well defined: Yes/~~No~~

9. How long have you known the path: SINCE I MOVED W AS A CHILD IN 1979

10. Over what period have you used the path on foot, horseback, or motor vehicle, (state which).

FROM THEN UNTIL NOW PLAYING AS A CHILD, AND ACCESS AS AN ADULT FROM OR

11. How often over the period have you used the path: WEEKLY

12. For what purpose did you use the path: ACCESS TO HOUSE

13. Details of any stiles, handgates, field gates, bridges, notices, direction signs, warning signs, obstructions etc.

NONE - COMPLETELY OPEN

14. Name of Owner(s) or Tenant (s), if known:.....

N/K - BELIEVE PART OF FARM

15. Have you ever been employed by, or a tenant of, the owner of the land affected by the path: Yes/~~No~~*

16. Have you ever seen other people using the same route ie, Locals, strangers, Both. If so were they on foot, horseback in a vehicle

YES DAILY ON FOOT AND BICYCLES

17. Have you always followed the same route. If not when was it changed and if known by whom:

ALWAYS THE SAME ROUTE

18. Did you ever seek or get permission to use the route. If so from whom:

NO

19. Have you, or to your knowledge has anyone, been stopped or turned back:

NO

20. Were you ever told by any owner or occupier or by their employee that the route was not public:

NO

21. Has your use of the route ever been in exercise of some private right, such as visiting someone who lived along the route, going to your own land or property, or delivering goods:

ACCESS TO OWN PROPERTY / PARENTS PROPERTY

22. Is there to your knowledge evidence to support your claim eg, Enclosure Awards, Tithe Maps, Railway Maps:

NOT KNOWN TO ME

23. Is the route or any part of it enclosed between boundaries, ie hedges, fences, ditches, walls:

NO - OPEN LAND

Any further information... I HAD TO ATTEND COURT DUE TO BEING
BITTEN BY A DOG WHILST WALKING THE PATH
AND PROTECTING MY DAUGHTER (IN MY ARMS)
NO ISSUE RAISED OVER THE PATH

Date: 1/9/15

(FOR USE ONLY WITH A GROUP CLAIM - SEE NOTE ON FORM W.C.A.2).

PLEASE NOTE

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3. You may be asked to give evidence at a Public Inquiry should a dispute arise over the claimed path.
4. * Delete as necessary.

Completed forms to be returned to:-

Mrs P. Elliott,
Head of Regeneration and Planning,
Council Offices,
Pontllanfraith,
Blackwood. NP12 2YW

INTERVIEW NOTES – CROW 144 -13-10-15

All of the foregoing confirmed that they had not requested permission to use the footpath and had not seen any notices stating that it was private.

Mrs Marilyn Jones (Interviewed 13-10-15)

Mrs Jones knew the footpath over 30 years ago when her brother moved into the village. Since she moved into the village she has used the footpath several times a day over the last 29 years. She used the path for visiting family and friends, walking the dog and bringing the kids to play on the banking.

She recalled that the steps were put in as there used to be several paths where Oaklands was built which were used as short cuts down to the main road. These paths were not surfaced and were uneven in parts and were not so commodious as the path currently being claimed.

The top of the path was damaged during the construction of the steps and the bottom of the path has now been damaged by the fence which has recently been erected around the site.

Mrs Pauline Pullen (Interviewed 13-10-15)

She has lived in the area for 44 years and the path had always been there. She used it a few times a week over the last forty years. She used it for walking, visiting family and friends. She also used it when she was a mobile hairdresser for work as a short cut to her customer's houses.

Mr. Clive Pullen (Interviewed 25-11-15)

He always thought it was a public path as it has been there for as long as he can remember. He became aware of the path since the time he moved into the village approximately 30 years ago. He used to live in Bailey Street and used to visit his brother who lived in Ogilvie Terrace and visit friends. He and many others used the claimed right of way to walk up and around with their dogs. The claimed right of way has always been there and his wife had known it for 40 years. It was tarmacked possibly 40 years ago. It was tarmacked when he moved to the area. saw many people walking their dogs up the diagonal path

Mrs Donna Gerish (telephone interview 25-11-15)

She first became aware of the path in 1986 and has used it ever since. Her husband knew it prior to this – approximately 1978.

She used the footpath three times a day for walking; walking the dogs and visiting friends and neighbours. She and her husband were very friendly with the neighbours and their children all played together on the field. They all had young children, They were all best of friends so were back and fore each others houses on a regular basis.

She recalled that the path had tarmac on it in 1986. The Renault car in the photograph (Document No.) was sold in n1987.

She had witnessed the applicant and his family using the path up and until the time it was blocked.

Mr. John Gerish (telephone interview 25-11-15)

Mr Gerish never asked permission to use the footpath because over the last forty years of living in the area it had always been there. He never ever saw any notices stating the path to be private.

Mr. Gerish played in the area as a school boy, at the age of 11, with his school friends and used the path regularly. He believes the land was once owned by the Marquis Le Bute until it was recently purchased. He paid his ground rent to Cefn Estates up until the time he bought the freehold.

He moved to the area forty years ago but became aware of the footpath 48 years ago and has used it since that time. When he moved to No. 3 all his children played on the ground with the neighbours' children and he has videos of them. He, his wife and children would use the path to go to visit neighbours/friends in the upper part of Ogilvie Terrace. There used to be a lock up shop near No. 1 Ogilvie Terrace which local residents used.

He used the path up until it was blocked almost daily for walking; walking the dogs; visiting friends and neighbours. He regularly witnessed his neighbours using it and also their family and friends who would park their cars on the back lane and walk up the path.

Delivery drivers, such as Asda, Tesco, etc. used it regularly – parking in the back lane and taking their deliveries up the path. The postman also used it and would park in Ogilvie Court and walk to Oakland Rise and Ogilvie Terrace.

Mrs Rosemarie Cogan (Interviewed 13-10-15)

Mrs Cogan first became aware of the footpath when a small child as she grew up in the area and is now 70 years old. She has used the path over the last 66 years walking it with her mother and grandmother. She used the path several times a week for walking, walking the dogs, visiting family and friends. She states that it was used for everything really.

Mrs Aimee Williams (Interviewed 13-10-15)

Mrs Williams confirmed that she had not requested permission to use the footpath and had not seen any notices stating that it was private. Mrs Williams is the daughter of the applicant, Mrs Val Price.

Mrs Williams first became aware of the footpath in 1983 when she was walked to see her nan in the old age pensioners complex. She used it to take her son back and fore to catch the bus and he refused to use the steps. Children used to ride their bikes up the path and would play on the land.

She used the path to walk the dog, taking children to school and catching the bus. She also used it to visit family and friends.

Mr and Mrs Suzanne & Neil Horrell (telephone interview 25-11-15)

Mrs Horrell never asked permission to use the path and couldn't recall anyone else doing so. Everyone used it. She never saw any signs that the path was private.

She moved to the area thirty years ago when she first became aware of the path and started using it. She used the path several times a week. She refers to living on the mountain and walking down into Deri to visit family and friends, doing some shopping and calling in to see her daughter in Deri. She had family in Bailey Street and New Road. Her children and grandchildren used the path to go to catch the bus to school. Her grandchildren, daughter and son-in-law used the path to visit her. They all used the path.

Mrs Horrell cannot use the steps as she has osteo arthritis in her hips and knee and finds it a struggle to go up and down the steps. She can walk on the level and was able to walk up the path as she is able to manage the gradual slope. She has injections to help with her hips and knees. Now the path is not available and she is unable to use the steps she is walking down the road which is a lot steeper and is nervous that she is not able to keep out of the way of vehicles as the covering on the side is protruding out into the road.

Mr. David Hardacre (Interviewed 27-10-15)

Mr. Hardacre confirmed that there has never been any signs stating the footpath was private and he and his family had never asked permission to use the footpath.

Mr. Hardacre was born in Deri and grew up in the village - he is now 75 years old. The houses in Ogilvie Terrace were built in 1936 and owned by Powell Duffryn and were referred to as OPD houses. The land was believed to have been leased from Marquis of Bute. In 1972 the lease was surrendered and handed to the British Coal and the lease runs out in 2023.

There used to be a workman's hut on the land (Document No. ?) where two or three men worked and undertook repairs to the houses. They used the footpath to gain access to the houses.

He used to play on the ground as a child and used the footpath during that time.

He moved away from the village for a while but returned when he bought 10 Ogilvie Terrace in 1979. He has witnessed many people using the footpath, the children walking to school, neighbours going up and down to catch the bus, visit friends, etc. The postman used it regular, people delivering leaflets, delivery men found it very useful to bring items up it rather than around the back of the houses or along the front path. He recalled about thirty children playing cricket on the ground and having to be careful which way they batted to prevent the balls being hit towards the houses.

He believes that the footpath was tarmacked possibly by Gelligaer Council or Rhymney Valley District Council many years ago. The tarmac was removed from the top of the footpath when the steps were constructed.

The coal miners who lived in Hillside Terrace used to walk through the garden of No. 22 Ogilvie Terrace which had two wicket gates and go down the banking where Oakfields was built and across the road and up the road leading to the colliery.

He and other residents believed that the steps were constructed to replace the footpath which was taken away when Oakfields was built and not the claimed footpath. The residents were not consulted about the steps.

The Community Partnership for Deri undertook a survey of where residents wanted to have new wooden seats provided and following this one seat was placed on the open area in front of Ogilvie Terrace (Document No. ?). A lot of local residents used to sit on the seat to admire the view.

He uses the footpath to visit his brother in Bailey Street and to catch the bus. He uses it when he goes down the club for a drink. Since the path has been obstructed he has used the steps occasionally.

His son uses the path regularly when he comes to visit as he parks on the back lane at the rear of Numbers 1-4 Ogilvie Terrace as there is very limited parking along Hillside Terrace. Both his daughters use the footpath when visiting as they park in the back lane also.

His brother and sister in law use the footpath when they accompany his wife back home.

As far as he can recall this footpath has been well used by the local residents in the area.

Mrs Valma Price (Interviewed 13-10-15)

Mrs Price first became aware of the footpath 62 years and commenced using it at the age of 4 years, she is now 67 years old.

She used the footpath approximately five times a day. When she was younger she used it to catch the train to school as there was a halt on the main road and then later on used it to catch the bus, posting letters in the post box and at one time used the phone box before she had a phone put in as did many others in the area. At one time the local roads had not been tarmacked and were rough tracks so the footpath was a lot easier to use.

Due to having issues with double vision Mrs Price is unable to use the steps. She also suffers with asthma and finds it difficult to walk up the footway alongside the hill leading up to Ogilvie Terrace due to the steepness of the gradient. The claimed right of way runs diagonally and she is able to manage the gradient of the path as it gradually climbs the banking.

Mrs Susan Pullen (Interviewed 13-10-15)

Mrs Pullen first became aware of the path over 40 years ago and has been using the path for 40 years. She used the path several times a day for taking the children to school and then years later the grand children, catching the bus and going to the post box. She also used it for going to the pub, walking into the village and walks up and around the lakes every day.

Mrs Jean Thomas (Interviewed 13-10-15)

Jean became aware of the path 75 years ago and has been using it for 75 years. She has used the path several times a day and during her school years she used it to catch the bus

and train. In later years she has used it to go to the post box, telephone box and refers to it as the main route down to the main road through the village.

She used it for walking, catching the bus and visiting friends and family. The local children have also used it and the surrounding area.

Rose explained that the path is used for so many things as it's the main route up to the properties.

Yvonne Irene Woodhouse Gravett (Interviewed 13-10-15)

She first became aware of the path 30 years ago and it has always been a path used by the public. She has used the path for over 10 years several times a day for catching the bus, going to the pub and took her grandson up the park three times a week.

She has used the steps as well as the path and confirmed that the steps were constructed when they were building the bungalow (i.e. Oaklands). The area where the bungalow was built was all grassland previously.

When her husband had a heart attack the only way the ambulance could get to her house was to walk up the claimed right of way. They couldn't take a stretcher up the steps and couldn't use the back entrance in the winter months as it gets too slippery and also its difficult to get up Hillside Terrace because of all the cars parked in the street.

Her husband used the path to go to the bus stop to catch the bus. When she was in a wheelchair for approximately five months she could only go out with assistance and her husband was able to push her up and down the claimed right of way. It is far too steep to push a wheel chair up Hillside Terrace. Mr. Cole is elderly and he uses it to go to the bus stop as the bus stop at other end is dangerous. Her 94 year old mother had been using it with a zimmer on wheels. Her mother is not able to take the simmer down the steps and cannot use the footway as it is too steep and obviously cannot use the steps with a zimmer so is now unable to go down to the post box, etc.

Mr. John Williams (telephone interview 25-11-15)

Mr Williams has lived in the area since 1977. He never asked to use the path as it was always available and has never seen any notices stating that the path is private. He first became aware of the path in 1977 and has used it since that time. As he walks everywhere he believed he probably used it more than most until it was blocked off. He used it on average once a day but quite often twice a day. He used it to walk down into the village to visit the shops and generally walking in the area. Also used it to walk his dog. He enjoys walking so used the path regularly. He was quite upset when the bungalow was built in front of his property and the other footpath was taken away. He always used the footpath until it was blocked off and now uses the steps. He believes he is lucky in that he is able to use the steps not like quite a number of the older residents in the street who cannot. As he is interested in wildlife and flowers he is disappointed that the ground is being developed as there are such a great variety of grasses on the banking, together with the habitat such as slow worms, etc. that are there.

Mr. Coles (Interviewed 13-10-15)

Mr. Coles first became aware of the path 80 years ago and is now aged 94 years of age. He used the footpath two or three times a week for 80 years. Mr Coles used the path to visit shops occasionally, catching the bus, going to the bank in Bargoed, going to the pub. Also used it to attend meetings at the Workmans Hall. Mr. Coles only used the steps once or twice. Mr. Coles used to run the Bargoed Inn Pub for 18 years and used the path regularly to go back and fore. He also worked in the colliery and used the path.

He recalled completing evidence forms previously to claim a footpath on the area of ground where Oaklands was built as the path which was taken away was right in front of his property.

He confirmed that no-one had discussed the steps with him.

Alma Farley (Interviewed 13-10-15)

Mrs Farley is a carer for Mr. Cole and has known and used the path for 10 years. She was born in Deri but didn't use it earlier. She used it to for visiting family and friends, visiting the shops to get Mr. Coles' shopping, posting letters in the post box and catching the bus.

Mr. J.C. Morse (telephone interview 25-11-15)

Mr. Morse moved to Deri when he was 4 years old and lived at No. 11 Ogilvie Terrace with his parents and sister. He never asked permission to use the path as it has always been there and available. He has never seen any notices stating it was private. He became aware of the path around 70 years ago and has used it ever since. There wasn't a park so all the children in the area would use the ground as their playground and made their own fun. When he was younger he used it several times a day whilst playing on the ground. The path was the only way down to the bus stop and to the train station to catch the train to school.

Now as he doesn't live in Deri he parks his car in the back lane and walks up the path to visit his sister several times a week. He had quite a shock when he came to visit and found the fence around the site preventing access to the path.

Surname	Name	Ttitle	No. years used path	Purpose of Use	Frequency
Jones	Marilyn	Mrs	29	Visiting family and friends, walking the dog and bringing the kids to play on the bank	Several times a week.
Pullen	Pauline Margaret	Mrs	40	Walking and visiting friends and family. When a mobile hairdresser used it for work as a short cut.	Once or twice a week.
Pullen	Clive	Mr	30	Visiting his brother, friends and walking the dog.	A few times a week
Gerrish	Donna Denise	Mrs	38	Walking, walking the dogs and visiting friends and neighbours.	Minimum of 1-5 times a week.
Gerrish	John Thomas	Mr	27	Visiting neighbours and friends in the upper part of Ogilvie Terrace.	Daily
Gerrish	Gracie Meredith	Miss	27	Walking dogs, visiting neighbours and playing as a child.	Constantly over the last 27 years.
Coggan	Rosemarie Margaret	Mr	70	Walking, walking the dog and visiting famiily and friends.	Several times a week.
Williams	Aimee Elizabeth	Mrs	32	Walking, walking the dog, taking children to school and catching the bus.	Several times a day
Williams	Michael Phillip	Mr	12	Visiting girlfriend and now mother-in-law.	On average daily.
Horrell	Neil John	Mr	30	Visiting family and friends.	A few times a week
Horrell	Suzanne	Mrs	28	Visiting family.	At least three times a week.
Lewis	Kelly	Mrs	16	Work and access to public transport.	Once or twice a week.
Hardacre	David	Mr	36	Visiting brother, catching the bus and to reach my car on the bottom highway.	Continuously
Price	Valma	Mrs	60	When a child used it to catch the train and bus to school. Used it to go to the telephone boc and post box, also visiting the shops, taking children to school, catching the bus and visiting family and friends.	Five times a day.
Pullen	Susan Janice	Ms	40	Taking her grandchildren to school; catching the bus, visiting family and friends. Going to the pub, to the post box, the post box, the village and walk around the lakes every day. Her grandson also used the path when he was going back and fore to school during term time.	Several times a day
Pullen	Peter	Mr	10	Mrs Pullen's grandson uses the path to go back and for to the bus stop to catch the bus to school.	Continuously.
Edwards	Lucas & Naomi	Mr. & M	26	To and from vehicles.	Daily
Thorne	Jean	Mrs	79	Taking her grandchildren to school; catching the bus, visiting family and friends. Going to the pub, to the post box, the village and walk around the lakes every day.	Several times a day

Raper	Irene Rosh	Mrs	27	Walking generally and walking to the bus stop.	
Woodhouse	Yvonne Irene	Mrs	10	Catching the bus; visiting friends and family; visiting the pub before it closed down; taking the grandchildren to the park three times a week.	Several times a day
Gravett	Stephen David	Mr	18	Walking	
Williams	John Howard	Mr	37	Walking to the village to visit the shops and walking around the area. Also used it to walk his dog.	Once or twice a day.
Coles	David	Mr	80	Occasionally visiting shops; catching the bus into Bargoed for the bank, etc., going to the pub before it closed; going to village meetings in the Workmans Hall.	Two or three times a week.
Farley	Alma	Ms	10	Visiting local shops to collect groceries for Mr. Coles. Posting his letters in the post box and catching the bus. Visiting family and friends.	Several times a day.
Boyles	Stephen Paul	Mr	25	Access to inlaws house.	Daily
Boyles	Sian	Mrs	45	Access to parents' house.	Daily
Hardacre	Gareth	Yes	36	Playing as a child and as an adult as access to car.	Weekly
Morse	James Carey	Mr	70	Used the path daily when he was younger now uses as access from his car to his sister's house.	Several times a week.

CLAIMED RIGHT OF WAY NO. 144

- Location of workman's hut, shed, former shop and Bus Stop



CROW 144 - AERIAL PHOTOGRAPH 1991

1:1,000



OS Products: © 100025372, 2009. MasterMap™, 1:10000, 1:25000, 1:50000, 1:250000,
Image Layers: © 2006 produced by COWI A/S for
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CROW 144 - AERIAL PHOTOGRAPH 2001

1:1,000



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Image Layers: © 2006 produced by COWI A/S for
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CROW 144 - AERIAL PHOTOGRAPH 2004-2005

1:1,000



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CROW 144 - AERIAL PHOTOGRAPH 2006

1:1,000



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CROW 144 - AERIAL PHOTOGRAPH 2010

1:1,000



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Image capture: Aug 2011 © 2015 Google

Street View - Aug 2011



CROW 144 - AERIAL PHOTOGRAPH 2014

1:1,000



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CLAIMED RIGHT OF WAY NO. 144

Photographs taken on

13th October, 2015

Start of claimed right of way.



Photograph taken from the end of the claimed right of way.



Alternative Route



Footpath leading in front of the houses at Ogilvie Terrace









CLAIMED RIGHT OF WAY NO. 144



Photograph supplied by Mrs. Valmai Price.

The claimed right of way can be seen quite clearly.

CLAIMED RIGHT OF WAY NO. 144

PHOTOGRAPH TAKEN ON 15-11-86



The claimed right of way can be seen in the photograph as a grass surfaced area before changing to tarmac.

CLAIMED RIGHT OF WAY NO. 144 – PHOTO 2

PHOTOGRAPH TAKEN IN 1987 WHERE THE RIGHT OF WAY CAN BE CLEARLY SEEN.



CLAIMED RIGHT OF WAY NO. 144

PHOTOGRAPH TAKEN in 1992/93



The claimed right of way can be seen in the photograph as a tarmacked footpath which is being used by Mrs. Hardacre and the bridesmaids.

CLAIMED RIGHT OF WAY NO. 144

PHOTOGRAPH TAKEN IN 1992/93 – PHOTO NO. 3



Mr. Hardacre and his daughter on her wedding day using the claimed right of way.

CLAIMED RIGHT OF WAY 144 – PHOTO OF NEWLY CONSTRUCTED STEPS
Photo of when the steps had been built by Colin Marshalsea. It can be seen that the right of way was going to the top but had been disturbed by the work that had been done. Also the wall had not been erected then but it was done shortly after.



Mrs K Gauden



11th February 2016

To whom it may Concern

Claimed Right of Way - Ogilvie terrace, Deri, Bargoed

I write as one of the current owners of this land, to state my claim that at no time during my family's ownership which extended over a period of 45 years, did we intend to allow, permit or dedicate a footpath across the site. The reason for the purchase of this land by my father was to use the land to build a residential property and with this aspiration we gave a permissive right only for those parties who wanted to walk their dogs across the site and for others who occasionally (very occasionally) had cause to or wanted to take a diagonal route across the site.

The copy letter and plan which I attach to this statement is dated 11th March 1998 and refers to a strip of land on the northern boundary of the site which currently contains a footpath with steps and hand rail. This footpath was constructed by the Council. This was on the understanding that this was to be a dedicated footpath in substitution for the claimed footpath which is said to cross the site. The Dedication Agreement was never finalised but this could perhaps be regularised as part of this current process.

The construction of the footpath with steps along the northern boundary is testament that at no time did we intend to agree to the designation of a footpath across the site; it was not needed because of the existing footpaths around the site. It was our intension to apply for permission to develop this private land for housing and an application was submitted in 2001.

We categorically did not give permission for this to be dedicated as a right of way and always made that perfectly clear as our intension was always to develop the land. It is most upsetting to hear that parties would now claim this, when it was clearly never the intension. We allowed permissive access but all local residents knew this was private land and not public land over which they had any legitimate claim.

I trust this helps to set the record straight, establishing what we as landowners intended for our land which was not to give consent to our neighbours to use it and then claim a right.



Karina Gauden



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Caerphilly Road
Ystrad Mynach
Hengoed CF82 7SF
Tel 01443 815588
Fax 01443 816832

Head of Legal Services
Ian Medicott LL.B Solicitor

Ystrad Fawr
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Ffacs 01443 816832

Pennaeth Gwasanaethau Cyfreithio
Ian G Medicott LL.B Cyfreithiwr

Mr Shenkerof,



Contact/Cysylltwch â	Mr. J. Rogers
Direct line/Llinell Uniongyrchol	01443 863013
Direct Fax/Ffacs Uniongyrchol	01443 863154
Your ref/Eich Cyf	
Our ref/Ein Cyf	CL525/JR/LP
Date/Dyddiad	11th March 1998

Dear Mr Shenkerof,

RE: PROPOSED DEDICATION OF FOOTPATH AT OGILVIE TERRACE, DERI - LAND ACQUISITION

I was instructed some time ago to deal with the dedication of a footpath at the above location. I understand that you own the area of land concerned, and have agreed in principle to dedicate a strip of land for the new footpath to replace a footpath which will be affected by a proposed development.

I understand that, the new footpath ^{has} is already ^{been} ~~being~~ constructed. I am enclosing a site plan showing the proposed footpath.

In order to prepare the Dedication Agreement, I will need details from your title deeds (or office copies of the title if your title to the land is registered), and I assume that you will wish to have a solicitor to deal with this matter on your behalf. I would confirm that the Council will pay your reasonable legal costs in connection with the proposed Dedication Agreement.

I look to hearing either from you or from your solicitor as soon as possible.

Yours sincerely,

HEAD OF LEGAL SERVICES

Finance • IT • Internal Audit • Legal • Personnel • Procurement
Cyllid • Technoleg Gwybodaeth • Archwiliad Mewnol • Cyfreithiwr
Personel • Caffaeliad

Director/Cyfarwyddwr: Stuart Rosser

Directorate of Resources
Adran y Cyfarwyddwr Adnoddau



Mr M Toms



11th February 2016

To whom it may Concern

Claimed Right of Way - Ogilvie terrace, Deri, Bargoed

I write as the applicant (15/0978/FULL) and future purchaser of this land for a single dwelling on this site, granted consent on 10th December 2015.

I am a long standing resident of Deri with close family members living adjacent to this site. I have visited this location over many decades and observed the site which has been nothing more than an unkempt piece of grass land.

I proceeded with an application and the acquisition of this site in the full knowledge that this was private land with footpaths around the boundary of the site, but not across it!

I know the owners well and they maintain that they have at no time given their consent for any neighbours to cross this site as of right and in this knowledge I expect to exchange contracts on the land purchase next week.

The claimed right of way is unnecessary because there are footpaths on the northern and western site boundaries and ready access to footpaths to the south and east. The very existence of all these options means in reality that there is little need for residents to use this claimed right of way and its unauthorised use has been infrequent. The landowners never intended for their land to be used as a footpath and no consent was given for neighbours to use it.

Michael Toms



To Whom it may concern

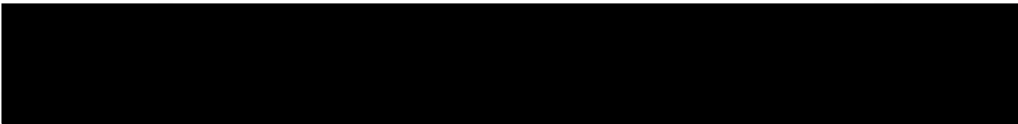
We the undersigned are owners of Oakfields Bungalow sited adjacent to No 1 Ogilvie Terrace Deri.

It has been brought to our attention that statements are being made that we were responsible in the planning and erecting the steps from the footpath in front of Ogilvie Terrace down to the road leading to No1 Ogilvie Terrace.

I want it known to all concerned that we categorically refute any such action by ourselves, as the steps in question are outside our property boundaries and would have no concern or easement to us in any way whatsoever.

Whilst I was building my retaining walls during 1999 I distinctly remember speaking and making cups of tea for the workmen who worked for the local Authority who were building the steps at this time and therefore we can only state once again that we had no involvement and can only assume that the steps are the responsibility of the Local Authority.

As a matter of interest, the lighting at the top and bottom of the steps was installed in April 2002 and this can be verified by the street lighting department of the local Authority.



C G Marshallsea

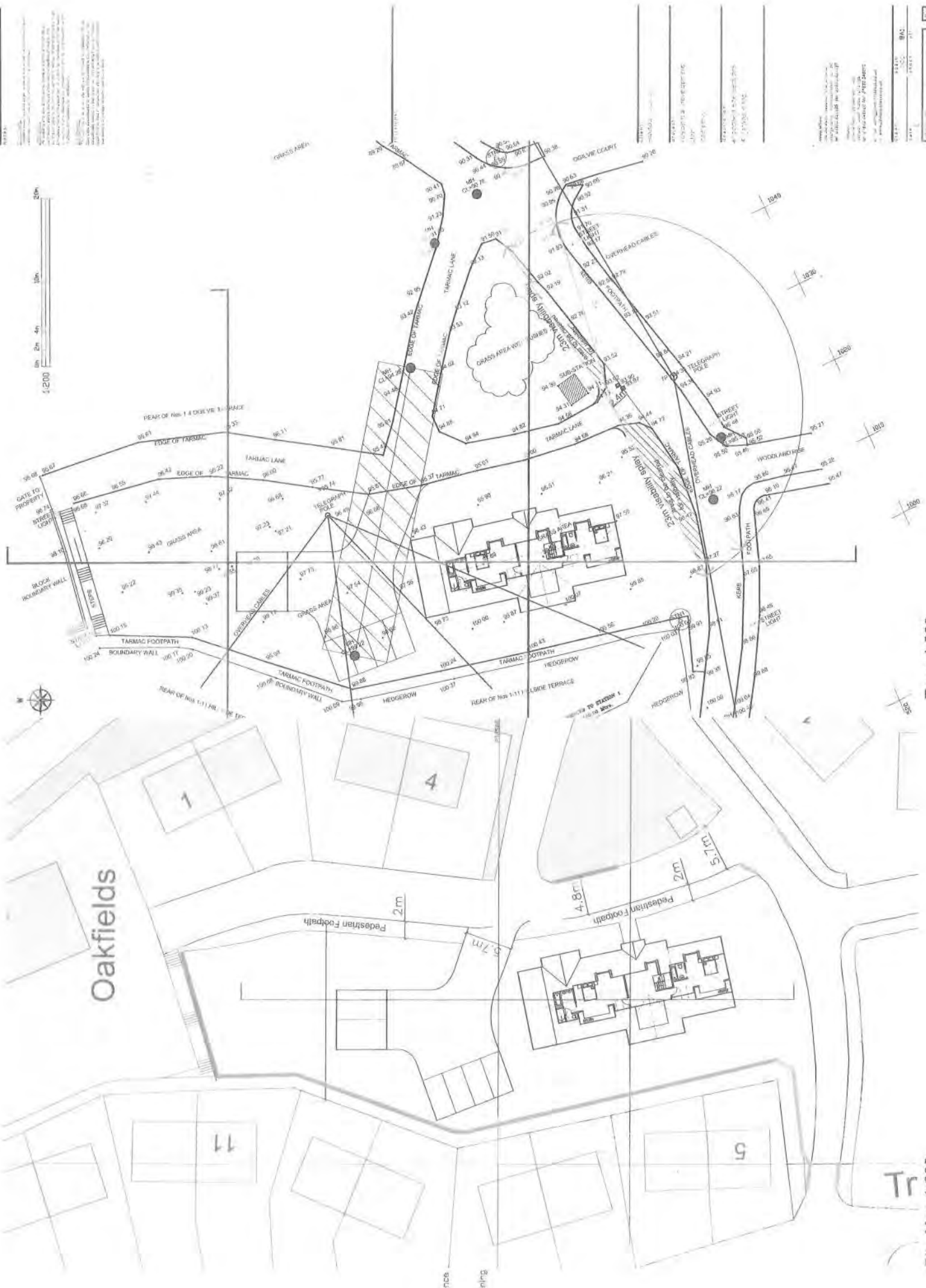
B T Marshallsea

03/02/2016

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 DATE: 10/05/05
 PROJECT: JWG94 - 105





PLANNING COMMITTEE – 9TH DECEMBER 2015

SUBJECT: SITE VISIT - CODE NO. 15/0978/FULL – LAND AT OGILVIE TERRACE, DERI

REPORT BY: ACTING DIRECTOR OF CORPORATE SERVICES AND SECTION 151 OFFICER

PRESENT:

Councillor D.G. Carter – Chair
Councillor W.H. David - Vice Chair

Councillors Mrs P. Cook, L. Gardiner, J. Simmonds and Mrs J. Summers

1. Apologies for absence were received from Councillors M. Adams, J. Bevan, R.W. Gough, A.G. Higgs, K. Lloyd, Mrs E. Stenner and J. Taylor.
2. The Planning Committee deferred consideration of this application on 4th November 2015 for a site visit. Members and Officers met on site on Friday, 20th November 2015.
3. Details of the application to erect a residential development at Ogilvie Terrace, Deri were noted.
4. Those present viewed the site from various vantage points, walked the boundary, roadway and examined the plans submitted with the application to fully appreciate the proposals.
5. Members were asked to note the application site comprises of undeveloped land surrounded by residential properties to the eastern and western boundaries. There is a small triangular area of open space including trees, shrubs and an electrical substation to the south east of the site, which is outside the application site. There is an existing public footpath, lane and steps surrounding the site which provide connectivity to the existing adopted highway, which abuts the western boundary to the site. The topography of the site is sloping with a cross fall of some 10 metres from west to east. The application has been supported by a Reptile Mitigation Strategy and Method Statement together with a Design and Access Statement.

Full planning approval is sought in respect of the erection of one two-storey, dormer style, four-bedroom, dwelling and detached double garage. The site layout proposes the dwelling to be located in the southern half of the site with the detached garage to the northern half of the site. Vehicular access is proposed off the rear lane serving 1 – 4 Ogilvie Terrace and Oaklands. A new footpath is proposed across the frontage.
6. Members sought clarification on the objections to the development and it was confirmed that, whilst objections were raised relating to loss of view, this was not a planning consideration. In addition, it was noted that the development would not have an overbearing impact on the view of the surrounding properties. Additional objections were raised in reference to the loss of open space in the area. An assessment was conducted on the site and whilst it was identified

to inhabit species of reptile, which have now been relocated to the nearby country park, the site was compliant with the assessment.

7. A Member, in noting that planning permission was refused in 2002, queried the Officer recommendation to approve the application. Officers highlighted that, since 2002, a housing development has been erected adjacent to the site and adaptations have been made to the highway. In addition, Members were assured that the development would be subject to building regulations.
8. Discussions took place regarding Rights of Way, in particular referring to the footpath through the site and fence around the boundary. Officers clarified that the erected fence was a permitted development. If permission is granted, a report on the application to add the footpath to the Definitive Map and Statement will be determined by the Rights of Way Cabinet.
9. Officers confirmed that following advertisement in the press, on site and to 29 neighbouring properties, 13 letters of objection had been received. Details of the objections are contained within the Officer's original report.
10. The initial planning report concluded that having given due regard to relevant planning policy and the comments from consultees and objectors, the application is considered to be acceptable and Officers recommended that permission be granted.
11. A copy of the report submitted to the Planning Committee on 4th November 2015 is attached. Members are now invited to determine the application.

Author:	C. Evans	Committee Services Officer, Ext. 4210
Consultees:	R. Amundson	Principal Planner
	M. Davies	Principal Planning Enforcement Officer
	L. Cooper	Engineer (Highway Development Control)
	J. Piper	Countryside & Rights of Way Support Officer

Appendices:
Appendix 1 Report submitted to Planning Committee on 4th November 2015

Code No. and Date Received	Name and Address of Applicant	Description and Location of Proposed Development
15/0978/FULL 05.10.2015	Mr M Toms C/o SLP The Studio Beaufort Yard Devauden Chepstow NP16 6NT	Erect one dwelling Land At Ogilvie Terrace Deri Bargoed

APPLICATION TYPE: Full Application

SITE AND DEVELOPMENT

Location: Land at Ogilvie Terrace, Deri, CF81 9JD

Site description: The site comprises undeveloped vacant land surrounded by residential properties to the eastern and western boundaries. There is a small triangular area of open space including trees, shrubs and an electricity substation to the south east of the site, which is outside of the application site.

There is an existing public footpath, lane and steps surrounding the site which provide connectivity to the existing adopted highway, which abuts the western boundary of the site.

The topography of the site is sloping with a cross fall of some 10 metres from west to the east.

The application has been supported by a Reptile Mitigation Strategy and Method Statement together with a Design and Access Statement.

Development: Full planning approval is sought in respect of the erection of one, two-storey, dormer style, four-bedroom, dwelling and detached double garage. The site layout proposes the dwelling to be located in the southern half of the site with the detached garage to the northern half of the site. Vehicular access is proposed off the rear lane serving 1 - 4 Ogilvie Terrace and Oaklands. A new footpath is proposed across the site frontage.

Dimensions: The footprint of the proposed dwelling has maximum dimensions of 12.2m (depth) 24.8m (width) 7m (height).

Cont....

Planning application 15/0978/FULL Continued

Materials: External walls comprise cream render with brick plinth, slate tile roof, upvc windows and doors, boundary fencing to north and western boundaries.

Ancillary development, e.g. parking: Proposed six off-street parking spaces, two within a detached garage.

PLANNING HISTORY 2005 TO PRESENT

P/01/0440 – Erect residential development - Refused 07.02.02.

POLICY

LOCAL DEVELOPMENT PLAN

Site Allocation: Policy SP5 - within the settlement boundary.

Policies:

Policy SP1 - Development Strategy in the Heads of the Valleys Regeneration Area, SP6 - Place Making, SP21 - Car Parking Standards.
CW2 - Amenity, CW3 - Design considerations - highways, CW4 - National Heritage Protection, CW7 - Protection of Open Space, CW15 - General locational constraints, supplementary planning guidance contained in LDP5 - Parking Standards, LDP6 - Building Better Places to Live, LDP7 - Householder Developments. LDP8 - Protection of Open Space.

NATIONAL POLICY

Planning Policy Wales, 7th Edition, July 2014, TAN 12 - Design, TAN 16 - Sport, Recreation and Open Space, Manual for Streets.

ENVIRONMENTAL IMPACT ASSESSMENT

Did the application have to be screened for an EIA? No.

Was an EIA required? Not applicable.

COAL MINING LEGACY

Is the site within an area where there are mining legacy issues? Not an issue in respect of this planning application.

Cont....

CONSULTATION

Transportation Engineering Manager - No objection subject to conditions being attached to any consent in respect of access and parking provision. The applicant will also be required to enter into a formal highway agreement with the Authority, which is supported by a bond, in order to undertake the highway improvement works.

Head Of Public Protection - Have no objections to the development subject to standard conditions being attached to any consent in respect of any contamination of the site together with site control measures.

Senior Engineer (Land Drainage) - Has no objection to the development subject to a standard condition being attached to any consent requiring comprehensive proposals showing how surface water and land drainage flows from the site will be dealt with. He provides advice to be conveyed to the developer in respect of land drainage matters.

Dwr Cymru - Provide advice to be conveyed to the developer.

Countryside And Landscape Services - There are no objections in relation to landscaping issues, however it is considered appropriate to attach a condition to any consent requiring details of any boundary treatment to be agreed with the Local Planning Authority.

ADVERTISEMENT

Extent of advertisement: The application has been advertised in the press, on site and twenty-nine neighbouring properties have been consulted.

Response: Thirteen objections and one letter of support.

Summary of observations:

- driveway and parking over sewer;
- loss of view/outlook;
- irregularities in submitted plans but does not explain what they are;
- will cause subsidence to existing houses;
- highway considerations;
- a right of way on the land needs to be preserved;
- erection of a fence has already caused problems to residents;
- prevent access for emergency vehicles;
- removal of a green area;

Cont...

Planning application 15/0978/FULL Continued

- refuse vehicle not able to collect bins;
- concern about the geology of the area/subsidence;
- not been consulted about the proposed development;
- scale and design is inappropriate;
- allegations of bribery in respect of Council officers in order to facilitate the positive determination of the planning application.

Letter of support

- will remove an eyesore which devalues property;
- questions the concerns raised regarding the loss of use of a footpath when there are steps with handrails and lighting around the site providing a safer route.

SECTION 17 CRIME AND DISORDER ACT

What is the likely effect of the determination of this application on the need for the Local Planning Authority to do all it reasonably can to prevent crime and disorder in its area? There are no specific crime and disorder implications material to the determination of this planning application.

EU HABITATS DIRECTIVE

Does the development affect any protected wildlife species? No.

The site supports semi-improved grassland and low lying scrub, the grassland supporting a small number of neutral (5) and acidic (5) indicator species. The habitats have been evaluated as being of local value for wildlife and this assessment is agreed.

The development of the site will result in the loss of this local habitat and no mitigation measures or compensation measures have been proposed to mitigate the loss of this habitat. Therefore the provision of alternative wildlife features within the new property, as compensation for loss of this habitat will be required.

The reptile survey undertaken in May and June 2015 confirmed the presence of a medium population of common lizards and a small population of slow worm within the application site. The submitted Reptile Mitigation Strategy set out how the applicant proposed to capture and remove the reptiles from the site and translocate them to a receptor site in the nearby Parc Cwm Darran. This mitigation strategy is acceptable, and with the exception of final site clearance set out in section 3.8 and 3.9 has already been carried out in advance of the submission of the planning application.

Cont....

Planning application 15/0978/FULL Continued

The submitted Reptile Translocation Records Report confirms that a total of 24 common lizards have been captured from the site and removed to two receptor sites in Parc Cwm Darran during a total of 32 visits to the site, and 6 clear trapping days. No slow worms were caught, but the amount of trapping effort is considered to be acceptable. However in view of the small possibility of some reptiles remaining, a condition should be added to any consent to ensure that ecological supervision is provided during the final site clearance. In the event that any remaining reptiles are discovered and are found to be in hibernation, these will need to be temporarily retaining in captivity before being released in spring.

COMMUNITY INFRASTRUCTURE LEVY

Is this development Community Infrastructure Levy liable? Yes, however the development is proposed within the lower viability charging zone in respect of CIL, which is set at £0 per square metre and as such CIL will not be payable.

ANALYSIS

Policies: The application has been considered in accordance with local plan policies and national planning guidance. The main issues to be considered in the determination of this planning application are considered to be the compatibility of the use with surrounding land uses, design, amenity and highway implications.

Outline planning consent, for residential development of the site for two houses, was previously refused in February 2002 (reference P/01/0440). The application was refused on two grounds, namely the development would be detrimental to the open nature of the street scene and spoil the character of the existing residential area and also that the highway network to serve the site is inadequate.

The first reason for refusal was based on Policy H2 (B) of the then Caerphilly Unitary Development Plan (UDP) and the second reason for refusal was based upon policy DC1(E) of the UDP.

Policy H2 stated - Proposals for housing development on windfall and small sites within the settlement boundaries will be permitted provided that:

B. The development will not result in the insensitive or inappropriate infilling which would spoil the character of an existing residential area.

Cont...

Planning application 15/0978/FULL Continued

The UDP has since been replaced by the Caerphilly County Borough Local Development Plan (LDP) adopted November 2010. Policy SP6 of LDP requires development proposals should contribute to creating sustainable places by having full regard to the context of the local, natural, historic and built environment and its special features through amongst other things an efficient use of land, a high standard of design, a sustainable location and the incorporation of existing natural heritage features. The Council's Adopted Development Design Guide LDP6: Building Better Places to Live provides general guidance as to the design of residential developments, addressing such issues as natural heritage, accessibility, legibility, character and context. Policy CW2 of the LDP considers amenity issues and Policy CW3 of the LDP considers highway issues.

The site comprises an undeveloped area of land situated between semi-detached residential dwellings, on higher ground to the west and lower ground to the east. A detached dwelling is located to the north of the site. The site has no formal land use allocation within the LDP. The surrounding area is characterised by a mix of house types ranging from traditional terraced housing to post war semis and more contemporary modern housing. Again the use of external materials is mixed. The previous refusal was for two dwellings but at that time there were no details of the house types only an indicative site layout plan. This application is for one dwelling. Notwithstanding the footprint of the dwelling is large it sits comfortably in what is considered to be an appropriate infill plot. In addition, the site lies in a sustainable location within the settlement boundary and as such the residential development of the site is acceptable in principle and is in accordance with Policy SP6, subject to compliance with other policies of the LDP relating to issues such as density, scale, massing, detailed design and parking provision.

Policy CW2 considers amenity and in this respect it is considered the proposed residential development of the site is compatible with surrounding residential uses and would not have an adverse impact upon the privacy or amenity of neighbouring residential dwellings. The proposed development would not have an overbearing or overshadowing impact upon neighbouring properties. However, given the location of the site, it is considered appropriate to attach a condition to any consent removing permitted development rights in respect of any extensions or outbuildings in order that the amenity of occupiers of neighbouring residential properties are not adversely impacted upon. In addition, it is considered important that boundary treatment are in keeping with the character of the surrounding street scene and do not impact upon the amenity of neighbouring properties and in this respect it is considered appropriate to attach a condition to any consent requiring boundary details to be submitted to the Local Planning Authority for consideration.

Cont....

Planning application 15/0978/FULL Continued

At the nearest point, the new house will be 10.7m from the existing houses to the west. However, the ground level of the development will be some 5.2m lower than the existing, so that the rear windows will face the retained land, and there will only be two rooflights in the roof serving bedrooms.

Policy CW7 of the LDP aims to protect areas of open space and development will only be permitted where the amount of open space remaining in the neighbourhood would still be adequate to serve local needs, and that the site has no significant value as recreational resource or an area of visual amenity. The site has no formal land use allocation and amounts to an area of steeply sloping wasteland (cross fall of around 10 metres across the site) within an established residential area. There are a network of permissive footpaths around the edge of the site and a recently claimed right of way across the site. The claimed right of way is subject of separate investigation and will be reported as a separate matter. The Supplementary Planning Guidance LDP8 Protection of Open spaces seeks to protect land within the settlement boundaries that are not designated for leisure or recreation and requires applications for development on such open space to be accompanied by an Open Space Assessment. The applicant has submitted such an assessment, which identifies 0.335ha of usable space within the required 0.5km buffer zone, which exceeds the 0.29hectare requirement (as calculated in accordance with the formula contained in LDP8).

In addition to the open space provision within the settlement boundary there are vast tracts of open countryside surrounding the area of northern Deri and in particular Parc Cwm Darren (LDP Policy LE3.2) which is within 50 metres of the site and provides large scale, less formal facilities for recreational activity in a rural setting.

Policy CW7 criterion (b) also seeks to assess a site in terms of its visual and recreational contribution to the surrounding area. It is not considered the loss of this open space would cause undue detriment to either visual amenity of recreational amenity.

Policy CW3 of the LDP considers highway implications and replaces policy DC1 of the former UDP. In this respect the Group Manager (Highways and Transportation) has raised no objection to the development subject to conditions being attached to any consent in respect of access and parking provision.

Comments from Consultees: The concerns of the statutory consultees referred to above maybe addressed by attaching appropriate conditions to any consent.

Cont....

Comments from public:

- driveway and parking over sewer. Dwr Cymru/Welsh Water have confirmed and identified the existence of their apparatus within the vicinity of the application site, which includes a combined sewer. No operational development will be permitted within 3 metres of the centre line of the public sewer and this has been taken into account in the submitted site layout.
- loss of view/outlook. There is no right to a view in planning terms. The layout, scale and massing of the development, is constrained by site topography and in this respect the design which utilises the roof space ensures that the ridge height of the dwelling is reduced to protect the amenities of those properties to the west. In addition, the slab level of the proposed dwelling is set 5.2m below the slab level of those existing houses. This together with the design and siting of the proposed dwelling will not significantly harm the amenity of privacy of residents of existing dwellings as a result of overlooking. The siting of the proposed dwelling within the southern half of the site also means there is no overlooking of those existing properties at 1 - 4 Ogilvie Terrace located on the lower ground to the north east of the site. Consequently, it is considered the proposed development will not significantly harm the privacy or amenity of occupiers of neighbouring properties as a result of overlooking, and as such is acceptable in planning terms.
- irregularities in submitted plans are mentioned but there is no explanation as to what they are.
- will cause subsidence to existing houses. Any development is the responsibility of the developer who will be required to comply with Building Regulations in terms of the detail of construction.
- highway considerations. This Council's Transportation Engineering Manager has raised no objection to the development subject to the imposition of appropriate conditions as discussed above.
- a right of way on the land needs to be preserved. There is no formal right of way across the land but a claimed right of way application is being considered by the Authority. From a planning point of view there are alternatives around the site that are acceptable.
- erection of a fence has already caused problems to residents. The path through the site is not a dedicated right of way. An application has subsequently been received, under the Wildlife and Countryside Act 1981, to add the footpath to the Definitive Map and Statement. Although evidence user forms were completed a number of years ago no formal application had been submitted until recently. As a planning application has been submitted investigation into the application will be given priority. The formal complaint is being dealt with by the Council Legal Department.

Cont....

Planning application 15/0978/FULL Continued

- prevent access for emergency vehicles. It is not explained how emergency vehicles would be prevented from attending Ogilvie Terrace. The existing adopted highway network serving Ogilvie Terrace will not be compromised by the proposed development.
- removal of a green area. The applicant has submitted an 'Open Space Assessment' as required by Policy CW7 of the LDP and has followed the criteria set out in supplementary planning guidance LDP8 - Protection of Open Space, the details of which are considered satisfactory as discussed above.
- refuse vehicle not able to collect bins. This Council's Head of Public Services has confirmed that his crews have not had any problems collecting bins at Ogilvie Terrace. The only problem has been residents parking their vehicles in a manner which could cause problems for refuse vehicles.
- not been consulted about the proposed development. The application has been advertised in the press, on site, and 29 neighbouring properties have been consulted.
- scale and design is inappropriate. The character of the surrounding area comprises a mix of two-storey, semi-detached, detached and traditional terraced properties with external materials comprising a mixture of render, stone and face brick in walls, both concrete and tile roofs and a mix of upvc and wooden windows. The site is constrained in terms of its topography and relationship with surrounding residential properties. Consequently, the design of the dwelling aims to ensure the privacy and amenity of neighbouring properties is not compromised whilst drawing on design elements in terms of fenestration and materials used in the surrounding houses.
- works have already commenced on site. The site has been secured with fencing. Translocation of reptiles to Parc Cwm Darren has been undertaken in accordance with a Reptile and Mitigation Strategy and Method Statement submitted and overseen by this Council's Ecologist.
- allegations of bribery in respect of Council Officers. Such allegations are derogatory and unfounded.

Other material considerations: None.

In conclusion it is considered the proposed development does not conflict with local plan policies or national planning guidance and as such is acceptable in planning terms.

Cont....

Planning application 15/0978/FULL Continued

RECOMMENDATION that Permission be GRANTED

This permission is subject to the following condition(s)

- 01) The development hereby permitted shall be begun before the expiration of five years from the date of this permission.
REASON: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990.
- 02) No development shall commence until details of a scheme for the disposal of surface water and land drainage flows from the site has been submitted to and agreed in writing by the Local Planning Authority. The agreed scheme shall be implemented in accordance with the approved details prior to the beneficial use of the development and retained in perpetuity.
REASON: To ensure the development is served by an appropriate means of drainage.
- 03) Prior to the commencement of the development a scheme shall be submitted to and agreed in writing by the Local Planning Authority indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed in accordance with the approved details before the beneficial occupation of the development hereby approved.
REASON: In the interests of the visual amenities of the area.
- 04) No development shall commence, until a Construction Method Statement has been submitted to, and approved in writing by, the Local Planning Authority. The approved statement shall be adhered to throughout the construction period. The statement shall provide for:
 - i) the parking of vehicles of site operatives and visitors;
 - ii) loading and unloading of plant and materials;
 - iii) storage of plant and materials used in constructing the development;
 - iv) the erection and maintenance of security hoarding;
 - v) measures to control the emission of dust and dirt during construction;REASON: In the interests of residential amenity.

Cont...

Planning application 15/0978/FULL Continued

- 05) Prior to the commencement of the development a scheme shall be submitted to and agreed in writing by the Local Planning Authority to deal with the contamination of the site. That scheme shall include a ground investigation and a risk assessment to identify the extent of the contamination and the measures to be taken to avoid risk to the occupants of the development when the site is developed. The development shall be carried out in accordance with the approved scheme.
REASON: In the interests of public health.
- 06) No building approved by this permission shall be occupied or approved uses commence until a report has been submitted to and approved in writing by the Local Planning Authority which verifies that the required works have been undertaken in accordance with the remediation strategy.
REASON: To protect public health.
- 07) Before any soils or hardcore that do not fall within the green category set out in Table 2 of the WLGA document 'Requirements for the Chemical Testing of Imported Materials for Various End Uses and Validation of Cover Systems 2013' are brought on to site, a scheme for their importation and testing for contamination shall be submitted to and agreed in writing with the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved scheme.
REASON: To prevent contamination of the application site in the interests of public health.
- 08) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that order, with or without modification), the garages hereby approved shall not be physically altered or converted to any other domestic purpose without the prior approval of the Local Planning Authority. The garages shall be made available at all times for the parking of motor vehicles associated with the residential use of the dwellings hereby approved.
REASON: In the interests of highway safety.
- 09) The development shall not be occupied until the area indicated for the parking of vehicles has been laid out in accordance with the submitted plans and that area shall not thereafter be used for any purpose other than the parking of vehicles.
REASON: In the interests of highway safety.

Cont....

Planning application 15/0978/FULL Continued

- 10) Ogilvie Terrace and the side lane serving the site shall be improved in accordance with submitted drawing jw694 - 105 B, and in a manner to be firstly submitted to and approved in writing with the Local Planning Authority. Those improvements shall be completed in accordance with the agreed details prior to the first occupation of the proposed dwelling.
REASON: In the interests of highway safety.
- 11) The proposed driveway and parking area shall be completed in permanent materials as approved by the Local Planning Authority before beneficial occupation of the dwelling and shall be constructed with a maximum gradient of 1 in 8.
REASON: In the interests of highway safety.
- 12) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that order) with or without modification, no building or enclosure, swimming or other pool required for a purpose incidental to the enjoyment of a dwelling house as such shall be constructed without the approval of the Local Planning Authority.
REASON: In the interests of residential amenity.
- 13) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that order) with or without modification, no enlargement of the dwelling hereby approved shall be constructed without the approval of the Local Planning Authority.
REASON: In the interests of residential amenity.
- 14) The development hereby permitted shall be carried out only in accordance with the following plans and other submitted details: jw694-101 rev K, jw694-102 rev C, jw694 - 105 rev B, (or any plans or details subsequently agreed in writing by the Local Planning Authority as an amendment to the approved plans).
REASON: To ensure that the development is carried out only as approved by the Local Planning Authority.
- 15) Prior to construction works starting on site, any remaining vegetation and topsoil shall be removed from site and shall be undertaken under the supervision of an ecologist. Any reptiles found shall be either released to a receptor site or retained temporarily in captivity depending on the season when clearance works occurs, as advised by the applicant's ecologist.
REASON: To ensure adequate protection to protected species.

Cont....

Planning application 15/0978/FULL Continued

- 16) Prior to the commencement of any works on site, details of the provision of nesting sites for bird species on the new property shall be submitted to the Local Planning Authority for approval. The approved details shall be implemented before the new property hereby approved is first occupied.
REASON: To provide nesting provision for birds as compensation for the loss of wildlife habitat on site.

- 17) Prior to the commencement of any works associated with the development hereby approved, a plan showing details of the provision of roosts and a means of access for bats in the new property at land at Ogilvie Terrace, Deri shall be submitted to the Local Planning Authority for approval. The approved details shall be implemented before the development hereby approved is first occupied.
REASON: To provide additional roosting for bats as a biodiversity enhancement, in accordance with Section 40 Natural Environment and Rural Communities Act 2006, and policy contained in Welsh Assembly Government's Planning Policy Wales and TAN 5 Nature Conservation and Planning.

Advisory Note(s)

The following policy(ies) of the Caerphilly County Borough Local Development Plan up to 2021 - Adopted November 2010 is/are relevant to the conditions of this permission: CW2 and CW3.

The applicant is advised of the comments of Dwr Cymru/Welsh Water, Senior Engineer (Land Drainage), and the Council's Ecologist.

The first part of the document discusses the importance of maintaining accurate records of all transactions. It emphasizes the need for transparency and accountability in financial reporting. The second part of the document provides a detailed overview of the company's financial performance over the past year, including a breakdown of revenue and expenses.

The third part of the document outlines the company's strategic goals for the upcoming year, focusing on increasing market share and improving operational efficiency. It also discusses the challenges the company faces and the strategies being implemented to address them. The fourth part of the document provides a summary of the key findings and recommendations from the financial review.

Conclusion

In conclusion, the company has achieved significant progress in its financial and operational performance over the past year. However, there are still several areas that need attention to ensure long-term success. The company's leadership team is committed to addressing these challenges and implementing the necessary changes to achieve its strategic goals.

Residential Dwelling

Land off Ogilvie Terrace, Deri BARGOED.



Design and Access Statement

August 2015



Christine Sullivan BSc (Hons) MRTPI Sullivan Land and Planning christine@slplan.co.uk
Tel / Fax: 01600 861906 Mobile: 07709 581602 The Studio, Beaufort Yard, Devauden, Mons, NP16 6NT.

Site address:

Land at:
Ogilvie Terrace
Deri
Bargoed

Contact details:

Name of applicant: Mr M Toms
Name of agent: Sullivan Land and Planning
Address:
The Studio,
Beaufort Yard
Devauden
Chepstow
Monmouthshire
Tel: 01600 861906



Sullivan Land and Planning have been instructed to submit this application for one dwelling on land off Ogilvie Terrace Deri, Bargoed. This statement accompanies a full planning application and is to be read in conjunction with all other submission documentation, which accompanies the application.

This statement explains the concept and principles of the development in relation to accessibility, character, community safety, environmental sustainability, movement and assesses the proposal against the relevant Planning Policy framework. The statement demonstrates the proposal accords with relevant National and Local Planning Policy and other material planning policy consideration.

This site comprises undeveloped waste land in the midst of an Inter-War, maybe 1950's estate of substantial semi-detached properties. Other infill developments have taken place over recent years with the development of Woodland Rise adjacent, which have introduced a range and style of design to meet current taste and demand. This current proposal is for a bespoke dwelling on this vacant plot within this urban framework.

The document sets out the following;

1. BACKGROUND AND INTRODUCTION
2. PLANNING POLICY CONTEXT
3. OPEN SPACE ASSESSMENT
4. DESIGN CONTEXT/EVALUATION
5. INCLUSIVE ACCESS
6. MOVEMENT TO FROM AND WITHIN THE DEVELOPMENT
7. COMMUNITY SAFETY
8. ENVIRONMENTAL SUSTAINABILITY
9. SUMMARY
10. APPENDIX 1
11. APPENDIX 2

1. BACKGROUND AND INTRODUCTION

1.1 Site and surrounds

Context

The application site is located towards the northern extremity of the small settlement of Deri, north of Bargoed in northern Caerphilly.

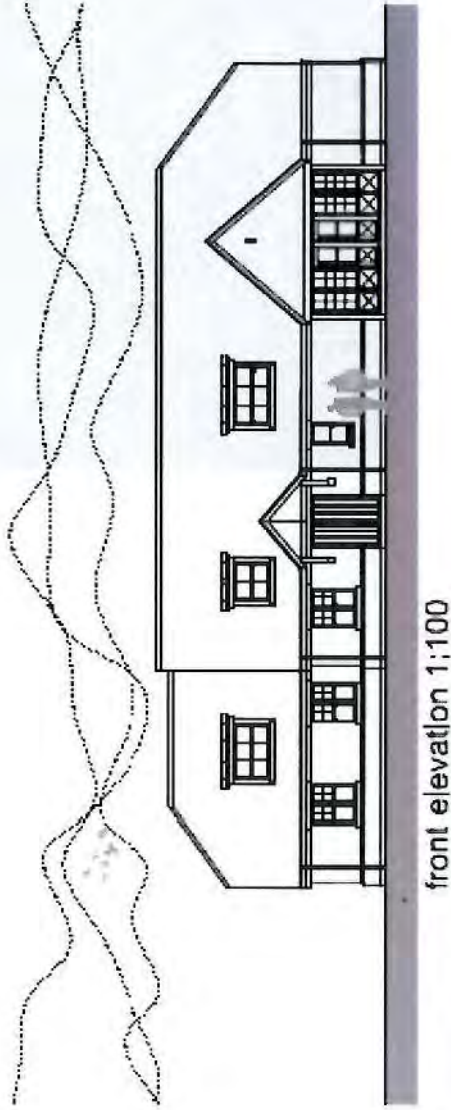
The site itself is surrounded by residential properties of mixed style. On the east and western boundaries the properties are semi-detached, with detached properties to the north and south. To the south and east of the site is a small area of open space including trees shrubs and an electricity substation. The overall character is low density suburban.



2. PLANNING POLICY CONTEXT

2.1 Introduction

This Design and Access Statement accompanies an application for a four bedroomed detached dwelling with accommodation in the roof space, large garden, parking and double garage.



2.2 Planning History

The only planning history of direct relevance is P/01/0440 for outline residential development on this site, which was refused on 07/02/2002. This application was refused on two grounds;

- 1) *The construction of dwellings would be detrimental to the open nature of the street scene and spoil the character of the existing residential area in conflict with Policies (Part B of H2 & Part E of Policy DC1) of the UDP.*
- 2) *The highway network adjacent to the site is considered inadequate to cater for the residential development on this site and would conflict with Part H of Policy DC1 of the UDP.*

This outline application was for two dwellings on this site. Plans for this are not available, but we would contest that the previous reasons for refusal, based on the Caerphilly UDP policies are no longer appropriate and would not preclude the development of this site.

The first reason for refusal is based on Policy H2, Part B and DC1 Part E, and these policies are copied below. The street scene in this location is varied and of no clear style or character and this overgrown area of wasteland has no special designation. The character of the area has become more diverse since the previous refusal with the development of new properties in Woodland Rise. The proposal that was previously refused was for two dwellings while this application is for just one dwelling which sits comfortably and is neither insensitive nor inappropriate in the street scene.

Policy DC1Part E is listed below and these requirements of parking and turning are catered for in this detailed application.

The second reason for refusal relates to the inadequacy of the highway network adjacent to the site. This has subsequently been improved and the pre consultation with Highways confirms that this is no longer an issue. See Highway response to the Pre Application Inquiry attached as Appendix1.

Development on Unallocated Sites

H2. PROPOSALS FOR HOUSING DEVELOPMENT ON WINDFALL AND SMALL SITES WITHIN SETTLEMENT BOUNDARIES WILL BE PERMITTED PROVIDED THAT:

B. THE DEVELOPMENT WOULD NOT RESULT IN INSENSITIVE OR INAPPROPRIATE INFILLING WHICH WOULD SPOIL THE CHARACTER OF AN EXISTING RESIDENTIAL AREA

Development Criteria

DC1 DEVELOPMENT WILL BE APPROVED WHERE IT CAN BE SHOWN THAT IT:

E. PROVIDES OR MAINTAINS APPROPRIATE SERVICING AND OPERATIONAL SPACE, INCLUDING THE PROVISION OF APPROPRIATE OPERATIONAL PARKING SPACES AND ADEQUATE PROVISION FOR TURNING, LOADING AND UNLOADING, FOR THE PROPOSED DEVELOPMENT;

H. WOULD NOT HAVE AN UNACCEPTABLE IMPACT IN TERMS OF POLLUTION;

2.3 Planning Policy Context.

The acceptability of this proposal in planning and environmental terms has to consider the following:

- National Planning Policy
- Development Plan Policies
- Material Planning Considerations

2.4 National Planning Policy

Planning Policy Wales (PPW) July 2014 provides the strategic policy framework for local planning authorities to use when preparing development plans and determining applications for planning permission.

The document sets out the Welsh Assembly Government's land use planning policies and is supplemented by a series of Technical Advice Notes (TAN's). PPW is the principle planning document of the Welsh Assembly Government which sets out the land use policy context for the consideration and evaluation of all types of development. The main thrust of PPW is to promote sustainable development by ensuring that the planning system can provide for an adequate and continuous supply of land, available and suitable for development to meet the needs of society in a way that is consistent with the overall sustainability principles.

The following Technical Advice Notes are relevant to this application and have been taken into account.

- TAN(W) 5: Nature Conservation and Planning - 2009
- TAN(W) 6: Planning for Sustainable rural Communities - 2010
- TAN(W) 12: Design - 2014
- TAN(W) 18: Transport - 2007
- TAN(W) 22: Sustainable Buildings - 2010

2.5 Development Plan Policies

Section 54A of the Town and Country Planning Act 1990 requires that proposals shall be determined in accordance with the development plan unless material considerations indicate otherwise. In this case the statutory policy framework comprises the Caerphilly County Borough Local Development Plan up to 2021, Adopted November 2010.

The key objectives and the specific policies of the plan have been considered in the preparation of this application.

The application site is within the settlement boundary and as such the principle of the residential development of the site is acceptable in planning terms subject to general development control criteria as set out in the policies of the Caerphilly County Borough Local Development Plan (LDP), up to 2021.

In particular the criteria of the general Amenity Policy CW2 of the LDP will be met by this application.

CW2 – Amenity,

Development proposals must have regard for all relevant material planning considerations in order to satisfy the following requirements:

- A There is no unacceptable impact on the amenity of adjacent properties or land
- B The proposal would not result in overdevelopment of the site and / or its surroundings
- C The proposed use is compatible with surrounding land-uses and would not constrain the development of neighbouring sites for their identified land-use
- D Where applicable, the viability of existing neighbouring land uses would not be compromised by virtue of their potential impact upon the amenity of proposed new residential development

This Proposal for a single dwelling within an established residential area will not cause undue nuisance that adversely affect the amenity of adjoining land-uses.

Other policies and SPG of the plan which have been closely adhered to include;

- CW3 - Design considerations (Highways)
- CW15 - General locational constraints,
- CW7 - Protection of Open Space, See following Section
- SPG-LDP5 - Parking Standards,
- SPG-LDP6 - Building Better Places to Live, and
- SPG-LDP8 - Protection of Open Space

The compatibility of this proposal with policies of the plan, have been explored through the formal Pre-Application Process and a copy of the formal response is attached as Appendix 1.

8 OPEN SPACE ASSESSMENT

3.1 This application is for the development of a single dwelling on an area of overgrown wasteland within an established residential area. There are a network of permissive footpaths around the edge of the site and a recently claimed right of way across the site. This is the subject of separate investigation and will be reported on as a separate matter as part of this planning submission. The site is overgrown in nature which means it has little active amenity use other than for the roaming of dogs and a single bench located on the high ground in the south western corner.

The Supplementary Planning Guidance LDP8 Protection of Open Space seeks to protect land within settlement boundaries that are not specifically designated for leisure or recreation. The policy states as follows;

Protection of Open Space

CW7 Proposals for development on areas of open space within settlements will only be permitted where:

- A The amount of open space remaining in the neighbourhood would still be adequate to serve local needs**
- B The site has no significant value as a recreational resource or an area of visual amenity**

3.2 This SPG requires applications for development on such open space to be accompanied by an Open Space Assessment. The Plan included in Appendix 2, identifies the Site Survey Boundary and numbers the sites of amenity value. In accordance with SPG LDP8, Appendix 2, shows calculations of the buffer zone within the settlement limit and a recalculation of the threshold for CW7 concluding that 0.29ha of open space is required within the buffer zone.

The Plan in Appendix 2 identifies around 15 sites within the buffer zone including areas of amenity green space and natural and semi natural green space. The calculations in this assessment have been curtailed to the larger more useable areas of amenity green space and this concludes that there is a generous provision of open space within the settlement boundary exceeding the 0.29ha requirement. The development of the site the subject of this application will meet the criteria of CW7 in this regard.

Fig. 1 - Survey Boundary and calculation of threshold.

Total Area of land within 0.5km radius buffer zone (a) = 785398.16m² = 78.54Ha

Total Area of buffer zone inside settlement limits (b) = 82630 m² = 8.26Ha (10.5%)

Therefore recalculated threshold level for CW7 (part a) = 10.5% of 3ha = 0.29ha

- 3.3 There are 15 sites within the buffer zone including areas of amenity green space and natural and semi natural green space and of these we have assessed that only 7 have some value as useable amenity space. These 7 sites vary greatly in their size, shape and topography and few if any are truly useable. The table included in Appendix 2 includes measurements of the individual sites and has taken an across the board assumption that 50% of each site is useable. On the basis that only 50% is useable, the total useable open space within the buffer is calculated as 0.335ha which exceeds the required 0.29ha threshold, thus meeting the criteria of Policy CW7 of the LDP.
- 3.4 In addition to the ample provision of open space within the settlement boundary there are vast tracts of open countryside surrounding this area of northern Deri and in particular Parc Cwm Darran(LDP Policy LE3.2) which is within 50meters of the site and provides large scale, less formal facilities for recreational activities in a rural setting.
- 3.5 Policy CW7 Criterion (b) also seeks to assess a site in terms of its visual and recreational contribution to the surrounding area. This is a judgement taken on the merit of each individual site, but given the considerations listed in the SPG, we feel confident that the development of this parcel of land will not cause undue detriment to either visual or recreational assets.

4. DESIGN CONTEXT/EVALUATION

Design Context;

4.1 This application is founded on a full understanding of the site and context.

The **development form** of the surrounding area includes a mix of semi-detached dwellings to the rear and detached properties to the north, east and south.

The access lane fronting the sites eastern boundary currently provides residential access and can readily facilitate this development.

Parking can readily be made available within the site curtilage.

There is no predominant use of **building material** in the locality with a mixture of render, stone and multiple colours of brick.

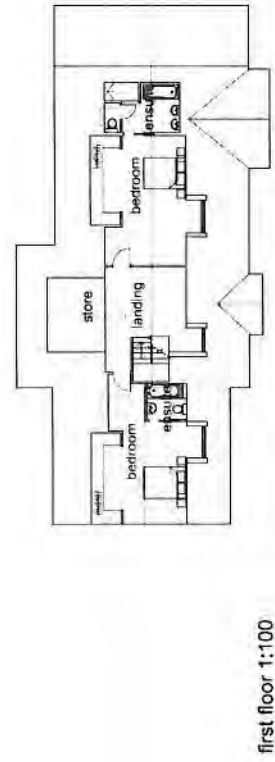
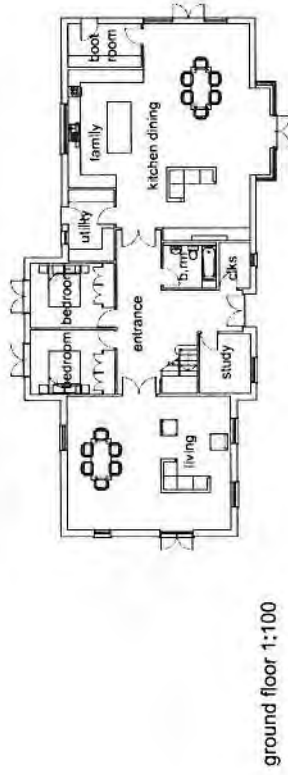
The **curtilage treatment** of the surrounding properties includes railings, fencing, boundary walls and hedges.

With this understanding of the site an initial scheme was drawn up and submitted as part of a formal Pre-Application. The response is attached as Appendix 1 to this document and identified a number of recommendations and amendments. These included a reduction in the size of the proposed dwelling and the introduction of a footpath around the sites southern and eastern edges. This evolved design is the subject of this current application.



Design Considerations

- *The development proposals should respond appropriately to the site topography.*
- *A design ethos should respect the site and surrounding properties.*
- *Permeability around the site should be maintained.*
- *Parking should be accommodated on plot.*
- *Sensitivity to the landscape, including views in and out must be maintained.*



4.2 An appropriate design response has been based on the full appreciation of the site specific constraints and opportunities. This culminates in a series of design objectives that will help to deliver a successful scheme.

Constraints and Opportunities: Analysis

4.3 The principle issues for consideration are as follows;

Constraints

1. New access required.
2. Removal of rock outcrop.
3. Loss of vegetation.
4. Earth works to create building platform.
5. Pedestrian movements curtailed to boundary of site.

Opportunities

6. The newly created access will also introduce a footpath to the site boundary.
7. Any reptiles found on site will be translocated to an appropriate receptor site.
8. Proposed position of dwelling chosen to minimise groundwork's.
9. Attractive bespoke dwelling introduced to street scene.
10. Visual impact on the surrounding residential area minimal.

Design Concept

4.4 The design concept illustrates the underlying principles that will form the basis for the site layout. The concept has emerged from the constraints and opportunities analysis, detailed consideration of the design objectives and consultation with the planning Department as part of the Pre-App process. The key elements of the concept are;

1. Development designed to work within the existing topography
2. Designing a high quality bespoke dwelling appropriate for the site.
3. Removing/translocating any reptiles to a receptor site.
4. Creating a dwelling that relates well to the existing residential area.

4.5 The evaluation of the site presents a full understanding of the constraints and opportunities pertaining to the site. A series of design objectives emerged from this and have guided the design and layout. This section presents the strategy which achieves these objectives.

The overall aim is to maximise the potential of the plot with a high quality, sustainable development which sits comfortably within the existing residential area.

Site Layout

4.6 The layout for the property is configured to ensure that practicality of use and privacy for all is at the heart of the design. The dwelling has been designed to meet the needs of the applicant and his family. It includes living accommodation and two bedrooms downstairs and a further two bedrooms with ensuite facilities within the roof space. This design which utilizes the roof space ensures that the ridge height of the dwelling is reduced to protect the amenities of those properties to the west.

Pedestrian access is from the front of the property directly onto the new footpath fronting Ogilvie Terrace. Four parking spaces are to be created to the side of the property together with a double garage allowing for good off road parking provision. The parking area is to be permeable grey resin bound gravel providing a sustainable, attractive and accessible surface.

The front area adjacent to the building is to be paved, again providing a firm, accessible surface. To the front and rear of the property there will be defined soft landscaping beds with native species of nectar producing shrubs and ground cover together with areas laid to lawn.



5. INCLUSIVE ACCESS

5.1 The building is designed to be as flexible and accessible as possible for future users within the constraints of the site. The proposals will adopt the principles of 'Inclusive Design' as set out in TAN12. The proposal will adopt a level threshold throughout, providing easy access for all including those with mobility impairments, sensory impairments and learning difficulties. In this way the premises can adapt to varying requirements over time.

Internal access into and throughout the property are to be level at all thresholds. Doors are to have a clear width appropriate to wheelchair usage and the downstairs WC and other areas are to be designed to comply with disabled access requirements as laid out in part M. The use of full height windows in key locations will allow good line of sight for seated occupiers.

The external hard landscaping is to be level access with part M compliant ramps (max 1:12) where topography requires. It is proposed to provide vehicular access directly onto the site via that length of Ogilvie Terrace to the front/eastern elevation of the property, accommodating 4No. parking spaces and a double garage.

6. MOVEMENT TO FROM AND WITHIN THE DEVELOPMENT

Connection, Parking, Modes and Servicing

6.1 The site is located towards the northern end of the small settlement of Deri. It has excellent transport links to Newport, Cardiff and the M4 by a variety of transport modes.

- 6.2 The site is in a very accessible location, situated less than 50metres from a bus stop on Bailey Street, and 2.7miles from Bargoed Railway Station.
- 6.3 Private transport links remain important in these smaller settlements and therefore associated parking (4 spaces) and garaging (2 spaces) is provided on site. The proposed property will provide secure off-road car parking with additional space for the provision of secure cycle storage in the garage facility. The close proximity of dedicated pedestrian and cycle routes allow for other sustainable modes of transport to be promoted.
- 6.4 The site will be serviced off Ogilvie Terrace and it is not proposed to alter this provision. The servicing arrangements, which have supplied the existing dwelling as well as those houses in the vicinity satisfactorily in the past are anticipated as being successfully employable at the proposal site.

7. COMMUNITY SAFETY

- 7.1 The application site is in an established residential area which has not suffered unduly from anti-social behaviour or vandalism. The site has been designed to limit the opportunities to exploit this and has been informed by practical crime prevention measures outlined in Secured by Design New Homes guidance. The proposal is for 1No residential property located on a vacant plot. There is no conflict in use as the development site is located predominantly within a residential area.
- 7.2 The site boundary is clearly delineated. The boundaries will continue to be protected to all sides by establishing site boundaries.
- 7.3 The vehicular and pedestrian routes have been designed to be visually open, direct and well used. Paths are a minimum of 1200mm wide.

- 7.4 Planting is to be established and maintained and where new beds are adjacent to paths, these will be chosen to ensure that no pinch points or places of concealment will be created as vegetation grows. Planting will be designed to ensure that natural surveillance is not impaired. The proposal has been located in such a way as to not directly overlook any other property, maintaining the safety and security of the buildings in the surrounding area. The car parking area to the side has, been located so as to benefit from natural surveillance.
- 7.5 External doors will be PAS 24 rated, a burglar alarm will be utilized and all external lighting will be linked to PIR detectors. It is the intention to involve the local Secured by Design architectural liaison officer to ensure that their local knowledge can be incorporated.

8. ENVIRONMENTAL SUSTAINABILITY

- 8.1 In accordance with Technical Advice Note 22; Planning for Sustainable Buildings, this development will adopt a general approach to reduce its carbon footprint by looking to:
- Reduce the amount of energy the building uses.
 - Maximise the free gains available to the site
 - Addressing the energy source.

The code for sustainable homes

- 8.2 Appropriate measures will be taken to ensure the proposed dwelling complies or exceed Code 3 of the Code for Sustainable Homes. It is proposed to achieve a 25 - 36% improvement in Dwelling Emission Rate (DER) over Target

Emission Rate (TER) by upgrading the building fabric to give improved U values in combination with solar water heating and air source heat pumps as follows:

- Wall U-Values typically 0.35W/m²K
- Floor U-Values typically 0.25W/m²K
- Roof U-Values typically 0.25W/m²K
- Double glazing U-Values typically 2.2W/m²K
- External Doors U-Values typically 2.2W/m²K
- Air permeability testing typically 10 m³/m²/hr@50Pa
- 2.2m sq gross area solar water heating panel per unit
- 200 litre twin coil cylinder with 100mm insulation and 80 litres dedicated solar storage
- Central mechanical extract fan with Appendix Q testing to save around 240 kWh/yr over SAP default

8.3 The kitchen will be fitted with energy efficient white goods to include A+ graded EU Energy Efficiency Labelling Scheme for fridges and freezers and A graded EU EELS for washing machines and dishwashers. All internal lighting will be energy efficient and where possible, external lights will be controlled by timers, daylight sensors or movement sensors depending on the location. Compliant cycle storage will be provided and it is anticipated that the use of green spaces on the site will enable ecology credits to be achievable. Lifetime homes criteria (refer to section 5 - Inclusive Access) are to be adhered to allowing these credits to be achieved.

9. SUMMARY

9.1 The site presents an opportunity to provide a quality dwelling, within an existing residential area close to excellent transport links. The principle of adapting to site topography is established in the local area, and this scheme builds on that principle sensitively and appropriately, to maximize the potential of the site whilst retaining architectural undertones of the streetscape.

The core aim is to create a new single family dwelling, which positively interacts with its surrounding area, employing high quality design. The scheme is mindful of the nature of the site location and seeks to ensure quality of outlook and privacy for future residents and existing adjacent occupiers.

The end result is a bespoke scheme, which considers the challenges of the site, to create a pleasant, safe and secure environment for new occupiers.

10. APPENDIX 1

Ms C Sullivan
 Shadow Holdings
 Sullivan Land And Planning
 The Studio
 Beaufort Yard
 Devauden
 Chepstow
 NP16 6NT

Head of Regeneration and
 Planning
 Pauline Elliott

Pennaeth Adfywio a Chynllunio
 Pauline Elliott

Your Ref/Eich Cyf:
 Our Ref/Ein Cyf:
 Contact/Cysylltwch â:
 Telephone/Ffon:
 E Mail/E Bost:
 Date/Dyddiad:

PE/14/0705
 Mrs M Davies
 01495 235227
 planadmin@caerphilly.gov.uk
 18 February 2015

Dear Sir/Madam

Without prejudice

TOWN AND COUNTRY PLANNING ACT 1990

APPLICATION NO. PE/14/0705

Erect one dwelling

Land Off Ogilvie Terrace, Deri, Bargoed.

I refer to the above pre-application enquiry and the subsequent site visit made to the site on the 15th January 2015, regarding the same.

Design and Access Statement



Policy

The application site is within the settlement boundary and as such the principle of the residential development of the site is acceptable in planning terms subject to general development control criteria as set out in the policies of the Caerphilly County Borough Local Development Plan (LDP), up to 2021.

In this respect I would draw your attention to policies, CW2 – Amenity, CW3 – Design considerations (Highways) CW15 – General locational constraints, CW7 – Protection of Open Space, together with supplementary planning guidance contained in LDP5 – Parking Standards, LDP6 – Building Better Places to Live and LDP8 – Protection of Open Space, albeit this list is not exhaustive.

Consultee responses

Please be advised that I have received the following consultee informal responses regarding the proposal: -

Highways

No objection to the proposal subject to the following comments: -

Improvements are required to Ogilvie Terrace by way of a road widening across the frontage of the plot to provide a carriageway width of 4.8m, together with the provision of a 2.0m wide footway from the pedestrian entrance to the plot running southward then east up the hill to tie into the footpath adjacent to number 5.

A visibility splay of 2.0m x 33m must be provided at the nearby road junction up the hill.

Ecologist

The site appears to show semi natural habitat on the site. In addition the site has the potential to support reptiles. An extended Phase 1 habitat survey should be undertaken together with a reptile survey undertaken at an appropriate time of year. A report should be submitted with the planning application that outlines the details of the survey together with an assessment on the impact of the proposal on any habitats or species present on site. As reptiles are protected from killing and injuring under the Wildlife and Countryside Act 1981 (as amended), if reptiles are found to be present on site, details of a methodology to capture and translocate the reptiles to a suitable receptor site, will also be required.

Senior Engineer Land Drainage

No information relating to surface water drainage proposals have been provided. Therefore prior to the commencement of any development of the site the applicant must submit to the authority, and receive written approval of, comprehensive proposals showing how surface water and land drainage flows from the site will be dealt with.

These proposals should be part of a 'Sustainable Drainage System (SUDS)' with preference to the use of soakaways. Soakaways will only be permitted if the applicant can satisfy the authority that permeability tests have confirmed the suitability of the ground on site for their use and the soakaway(s) can be situated such that their discharge will not affect adjacent land, structures or highways. Any soakaways constructed must be designed in accordance with B.R.E Digest 365 and located a min. of 5m from the public highway and any existing or proposed buildings.

Should it be concluded that soakaways are not suitable the surface water run off may be permitted to discharge to the existing watercourse. Any proposal to discharge surface water flows is likely to be limited to maximum rates of flow which will be determined by this authority, by the installation of onsite storage facilities in association with a controlled discharge device.

In the case of any proposed connections to private drains the consent of the owner or joint owners will also be required together with the permission of intervening land owners should it be proposed to construct any off site pipeline.

The applicant must ensure that during the development period and thereafter that surface water, soil and other site debris is contained and dealt with within the curtilage of the site and is prevented from running on to or being otherwise deposited on adjacent land or highways. This may entail the installation of temporary or permanent cut off drainage.

No discharge of surface water from the completed development will be permitted to drain to the public highway or any highway drain.

Depending on site levels the applicant should consider the installation of appropriate cut off drainage to intercept surface water from any adjacent higher ground that might otherwise affect the completed development.

Early consultation with Welsh Water is advised to establish the existence of any of their apparatus within the proposed site.

In summary, prior to the commencement of any development of the site the applicant must submit to the authority, and receive written approval of, comprehensive proposals showing how surface water and land drainage flows from the site will be dealt with as required by the Flood & Water Management Act 2010.

Head of Public Protection

Has no objection to the development subject to conditions being attached to any consent to deal with any contamination of the site including a ground investigation and a risk assessment to identify the extent of the contamination and the measures to be taken to avoid risk to the occupants of the development when the site is developed together with any remediation measures and validation of the same.

Design and site layout

Any planning application must be accompanied by a Design and Access statement. In this respect your client should explain how the proposed scheme has regard for the surrounding context and complies with the policies of the LDP.

It is my officer's opinion that the size of the bungalow in terms of its footprint in this prominent location represents an incongruous development in the street scene, which has no regard for the character of the surrounding area. This aspect of the development is also exacerbated by the introduction of canopies at each end of the bungalow.

I trust the above information is of assistance to you.

Yours faithfully



DEVELOPMENT CONTROL MANAGER



11. APPENDIX 2

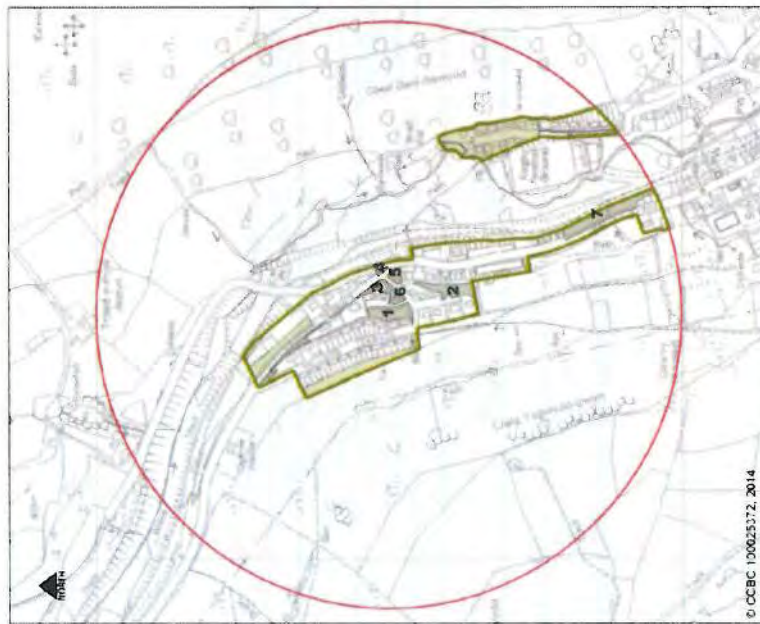
Open Space Assessment - Northern Deri (August '15)

Based on Application site as submitted, off Ogilvie Terrace, Deri.

Ref	Typology	Condition	Current Usage	Access	Useable/non-useable	Approx Area
1	Green space	Overgrown	Mown footpath	Open to all	Part Useable/part non useable	0.16ha
2	Green space	Mown/overgrown	No sign of use	Open to all	Part Useable/part non useable	0.16ha
3	R'dside verge	Overgrown	No sign of use	Open to all	Part Useable/part non useable	0.10ha
4	R'dside verge	Mown	Mown/no use	Open to all	Part Useable/part non useable	0.02ha
5	R'dside verge	Overgrown	Seating	Open to all	Part Useable/part non useable	0.04ha
6	Green space	Overgrown	Sub station/swing	Open to all	Part Useable/part non useable	0.03ha
7	Natural/semi N GS	Overgrown	No sign of use	Open to all	Part Useable/part non useable	0.32ha
					Total of sites 2-7	0.67ha
					Assuming 50% usable	0.335ha
					Remaining open space within buffer	0.335ha



Land off Ogilvie Terrace, Dert



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RIGHTS OF WAY CABINET – 1ST DECEMBER 2016

SUBJECT: APPLICATION FOR A MODIFICATION ORDER TO AMEND THE MONMOUTHSHIRE COUNTY COUNCIL DEFINITIVE MAP AND STATEMENT OF PUBLIC RIGHTS OF WAY IN RESPECT OF ADDING A PATH IN THE COMMUNITY OF BEDWELLYTY

REPORT BY: INTERIM CHIEF EXECUTIVE

1. PURPOSE OF REPORT

- 1.1 To consider and determine an application to ADD a path to the Definitive Map and Statement in the Community of Bedwellty.

2. SUMMARY

- 2.1 The Authority is under a duty to resolve applications received under the Wildlife and Countryside Act 1981.T
- 2.2 The report sets out the evidence regarding the application to ADD a footpath from Warne Street to Bryngwyn Street (A4049) Fleur-de-lis.

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 The Countryside and Rights of Way Act (2000) has committed the Council to keeping the definitive map and statement under continuous review.
- 3.3 The Well-being of Future Generations (Wales) Act became law in April 2015. The Act is about improving the social, economic, environmental and cultural well-being of Wales. It requires the Authority to closely consider the long term aim to work better with people and communities and each other, look to prevent problems and take a more joined-up approach in our actions.
- 3.4 Links can be made to all seven of the Well Being Goals however of these four are probably relevant, these being:-
- A resilient Wales
 - A healthier Wales
 - A Wales of cohesive communities
 - A globally responsible Wales

Links can be made to include the other three Well Being Goals within the Rights of Way improvement Plan and the Countryside Strategy:-

- A prosperous Wales
- A more equal Wales
- A Wales of vibrant culture and thriving Welsh language:-

In addition to the Well Being of Future Generations Act the Rights of Way network has significant links to a wide range of other Acts and Strategies notably the Countryside and Rights of Way Act 2000, the Countryside Rights of Way improvement Plan (2007), the Caerphilly Countryside Strategy and emerging Caerphilly Active Travel Plan. The network and usage of the network has links to various social, economic and environmental strategies.

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 ADD a path to the definitive map and statement. Document No. 1 gives an explanation of the term “public rights of way” and the role of this Committee.

The application for a claimed right of way, leading from the side of Woodland Lodge Residential Home, Warne Street in a south westerly direction to alongside the Bryngwyn Service Station to terminate on A4049 (Bryngwyn Street), is being dealt with under the Wildlife and Countryside Act 1981, Section 53(3)(c)(i).

4.2 Introduction

- 4.2.1 An application has been received from Mr. Thurman, 46 Warne Street, Fleur-de-lys under Section 53(3)(c)(i) of the Wildlife and Countryside Act 1981 The application, submitted on 6th October, 2010, is to modify the Definitive Map and Statement of Monmouthshire County Council by ADDING footpaths leading from Warne Street , alongside the Bryngwyn Service Station and terminating on the A4049.
- 4.2.2 The location of the claimed right of way is shown on Document No. 2 within the circled area. This has been reproduced from the ordnance survey mapping by use of the Authority’s Geographical Information System.
- 4.2.3 The route of the claimed path can be located in Document No.3 along a bold broken red line shown as A-B-C. The application W.C.A.5 was received by the Authority on 6th October, 2010 but as this had been incorrectly completed a further copy was submitted dated 29th October, 2010. (Document No. 4)
- 4.2.4 The Claimed Right of Way commences at the side of The Woodland Lodge Residential Home, Warne Street (Grid Ref: 158964) and proceeds in a south westerly direction alongside the Ysgol Gyfun Cwm Rhymni School and Bryngwyn Service Station terminating on Bryngwyn Street (A4049) (Grid Ref: 157964). The length of the claimed right of way is A-B-C 125 metres with a width of 1.8 metres.
- 4.2.5 The applicant notified the Authority, by submitting Notice W.C.A.7 (Document No. 5) that he had served notice on the landowner, Bryngwyn Service Station who owns the land shown as A to B and Caerphilly County Borough Council who he believed owned the land shown as B-C. (Document No. 3)
- 4.2.6 However, following investigation it was noted that this Authority did not own the land B-C. As the remainder of the footpath was on land of unknown ownership notices were displayed at either end of the section marked as B to C (Document No. 6) for one month. Mr. Thurman confirmed in writing that he had carried this out but no landowner had come forward.

- 4.2.7 The claim is supported by 23 User Evidence Forms (one which has two users) who reside in the Fleur-de-lys area, who use the footpaths on a regular basis. All but two have used it over the 20 year period with several having used it over 70 years. The footpath provides a very useful safe off road link within the community and is well used by local residents.
- 4.2.8 Mr. Thurman first raised the issue of the footpath in 2001 when he complained that the grass required cutting. Although no application had been received under the Wildlife and Countryside Act 1981 to add the footpath to the Definitive Map and Statement arrangements were made for the Rights of Way Warden to cut it back.
- 4.2.9 Evidence User Forms were received from Mr. Thurman in March 2006 but the application form (W.C.A. 5) and Service of Notice (W.C.A. 7) were not received. Mr. Thurman was informed that without these forms the application was not in the prescribed manner and could not be considered. Additional forms were sent for completion several times over the years and the completed forms were received on the 6th October, 2010. In the intervening years the Rights of Way Warden cut back the overgrowth on the footpath following complaints.
- 4.2.10 Further evidence user forms were received in 2012 (additional forms were received from Mr. Thurman and Mr. Hamilton) and have been added to Mr. Thurman's application in support. A copy of all the evidence user forms is included in Document No. 7 which provides details of their usage of the path and general information on the history of the path.
- 4.2.11 Until recently all applications received under the Wildlife and Countryside Act 1981 were dealt with on a date order of application basis which prevented this application being investigated although some work has been undertaken.
- 4.2.12 Due to a change in Policy it was agreed that this application be investigated as it met the new criteria in that it provides a good link to the local community and is well used by parents and children as an off road safe route to school, together with many other residents.
- 4.2.13 Research has been undertaken to determine the validity of the claim by collating any Documentary Evidence available as well as the crucial User Evidence provided by the local residents.
- 4.3 User Evidence**
- 4.3.1 Detailed in Table 1 (Document No. 8) are the number of years the evidence users have used the footpath and it can be seen that the footpath has been used as early as 1945. Table 2 (Document 8) provides details of the frequency of use and the reason for using the footpath. The footpath provides a safe off road route for the local residents who use it to take their children/grand-children to school, walking their dogs, visiting family and friends, the bus stop and generally walking in the area.
- 4.3.2 The users have confirmed that they have not asked permission to use the path and no notices were displayed stating that the path was private.
- 4.3.3 Several users mention in their evidence user statements that the path was resurfaced with tarmac approximately 30 years ago by a contractor working for the former Islwyn Borough Council.
- 4.3.4 Some of the users complain that the footpath is muddy in places especially during the winter months.
- 4.3.5 The users confirm having seen both local and strangers using the claimed right of way.
- 4.3.6 The applicant, Mr. Thurman, was interviewed on 11th February, 2013. The interview notes detail his knowledge of the claimed right of way over the years he had both known and used it. (Document No. 9).

4.4 **Documentary Evidence**

4.4.1 The documentary evidence studied in conjunction with the User Evidence is outlined below. During the investigation of a claimed route a near match to the claimed footpath was looked for on all the maps listed below.

Historical Map dated 1873-1888 (Document No. 10)

It can be seen from this map that there is a route along the line of the claimed right of way.

Historical Map dated 1900-1904 (Document No. 11)

It can be seen from this map that there is a route along the line of the claimed right of way.

Historical Map dated 1919-1921 (Document No.12)

It can be seen from this map that there is a route from Warne Street to Bryngwyn Street along the line of the claimed right of way.

Historical Map dated 1959-1973 (Document No.13)

It can be seen from this map that there is a route from Warne Street to Bryngwyn Street along the line of the claimed right of way.

Historical Map dated 1959-1992 (Document No. 14)

It can be seen from this map that there is a gap where the claimed right of way joins Bryngwyn Street but there is no indication of the remainder of the claimed right of way.

Historical Map dated 1971-1992 (Document No. 15)

There is no indication from this map of the claimed right of way.

Draft Map – (Document No. 16)

It can be seen from this map that there is a route from Warne Street to Bryngwyn Street along the line of the claimed right of way.

Definitive Map – (Document No. 17)

The claimed right of way is identified as a red line and 193.

Aerial Photograph dated 1940 (Document No. 18)

Although not very clear It can be seen that there is a route from Warne Street to Bryngwyn Street along the line of the claimed right of way.

Aerial Photograph dated 1991 (Document No. 19)

This particular aerial photograph shows a path from Warne Street leading to the side of Bryngwyn Service Station. There are a few cars parked in the Service Station but there does appear to be a gap leading onto Bryngwyn Street next to white vehicle or possibly a structure where the claimed right of way terminated.

Aerial Photograph dated 2001 (Document No. 20)

This particular aerial photograph again shows a path from Warne Street leading to the side of Bryngwyn Service Station. There are a few cars parked in the Service Station but the area where the claimed right of way terminates on Bryngwyn Street appears unobstructed.

Aerial Photograph dated 2004-5 (Document No. 21)

This aerial photograph again shows a path from Warne Street leading to the side of Bryngwyn Service Station. There are several cars parked in the area where the claimed right of way terminates and it would appear that the burger van mentioned by Mr. Thurman can be seen alongside the hedge line of Ysgol School.

Aerial Photograph dated 2006 (Document No. 22)

This aerial photograph again show a path from Warne Street leading to the side of Bryngwyn Service Station. In this particular photograph no cars are parked across the line of the claimed right of way leading to Bryngwyn Street.

Aerial Photograph dated 2010 (Document No. 23)

Similar to the 2006 aerial photograph the 2010 Aerial Photograph shows a path from Warne Street leading to the side of Bryngwyn Service Station and no cars are parked across the line of the claimed right of way leading to Bryngwyn Street.

Aerial Photograph dated 2014 (Document No. 24)

The claimed right of way can now be seen from Warne Street leading to the side of Bryngwyn Service Station but due to the shade from the trees the remainder of the route through the parked cars is unclear.

Photographic Evidence

Mr. Thurman provided quite a number of photographs which he has taken over the years of the claimed right of way.

Photographs show the claimed right of way running through open space and water ponding where users had placed boards over the water to provide stepping stones. There are obvious signs of motorbike tracks which had churned up the ground.

In Bryngwyn Service Station cars are blocking the line of the claimed right of way to A4049 Bryngwyn Street so Mr. Thurman and other users have to deviate from the line of the path to pass through the Service Station to the main road (A4049). (Document No 25).

The Authority fenced off the ground next to the claimed right of way in approximately 2011.

In April 2012 Mr. Davies erected a fence around the back of his premises which partially blocked the line of the claimed right of way but he left sufficient room for users to walk around it. (Document No. 26)

Photographs taken on 14th September, 2016 show that a play area has been created next to the claimed right of way and new metal palisade fencing has replaced the post and rail. The gap to the side of the fencing at the back of Bryngwyn Service Station and between Ysgol Gymraeg Trelyn School is 2 metres. Cars are parked on the line of the claimed right of way in the Service Station and users have to negotiate their way through this area to Bryngwyn Street (A4049). (Document No. 27)

4.5 Land Ownership

- 4.5.1 As mentioned previously W.C.A. 6 was served on the owner of Bryngwyn Service Station, Mr. Davies, informing him of the application under the Wildlife and Countryside Act 1981 to add the footpath which crossed his land to the Definitive Map and Statement. The land owned by Mr. Davies is shown in Document No.28 (CYM607041).
- 4.5.2 The remainder of the footpath was thought to be under the ownership of this Authority so W.C.A.6 was served on this Authority notifying them of the application. When it was found that this was not the case. A land registry search failed to identify the landowner for this section. Mr. Thurman was instructed to place notices at either end of this section seeking the landowner. Mr. Thurman confirmed on the 7th December, 2010, that the notices had been maintained on site for one month as prescribed within the legislation where no land owner may be found.
- 4.5.3 In an attempt to resolve the claimed right of way correspondence was entered into with the owner of Bryngwyn Service Station who wished the footpath to be separated from his service area.
- 4.5.4 Quite a number of those using the claimed right of way complained about having to negotiate their way through parked cars and cars using the forecourt of the Service Station. They were concerned for their safety and those of children using the route to school.
- 4.5.5 A meeting took place with Mr. Davies in 2010 and he explained that he was having problems with security and was intending to fence off some of his land but would leave a gap for people to continue using the claimed right of way.
- 4.5.6 Mr. Davies fenced the back of his property with palisade fencing and high mesh panel fencing in order to secure it. Although a section of the claimed right of way was obstructed a through route was still made available to users.
- 4.5.7 A further meeting took place with Mr. Davies of Bryngwyn Service Station on 14th September, 2016, where it was suggested that the claimed right of way be sectioned off from his forecourt close to the boundary of the school ground. A footpath of 1.8 m would be required. Mr. Davies agreed verbally to this and wished to continue the high panel mesh fencing to the footway and along the front of the footway in order to secure his property. He has been informed that this would need to be agreed with the Planning Department.

4.6 SUMMARY

- 4.6.1 The Authority is using Section 53 (3) (c) (i) of the Wildlife and Countryside Act as the main test of whether or not the claimed right of way should be added to the definitive Map and Statement. This is used when the Authority discovers evidence which (when considered with all other relevant evidence available to them) shows that a right of way which is not shown in the map and statement subsists or is reasonably alleged to subsist over land in the area to which the map relates, being a right of way such that the land over which the right subsists is a public path. However, the Authority is not precluded from also taking into consideration a claimed right of way based on 20 years uninterrupted use. The right must be reasonably alleged to exist.
- 4.6.2 The Authority has been made aware that evidence exists which suggests that the claimed right of way is a public right of way and has been used as such for many years. The Authority has received an application to add a footpath to the Definitive Map and Statement. Evidence has been submitted that the route has been used by local residents for a considerable number of years.
- 4.6.3 As detailed in Document 1 the evidence submitted needs to show that the footpath has been used for a period of 20 years without interruption and as a right. The date the footpath first came into question is 6th October, 2010, and therefore the 20 year period commences from 6th October, 1990. Evidence has been provided to show that the footpath A-B has been used on a regular basis for well over the 20 year period.

- 4.6.4 From the historical maps it can be seen that a route was available along the claimed route in 1873-88; 1900-1904 and 1919 -1921.
- 4.6.5 From the aerial photographs a path along the line of the claimed right of way it can be clearly seen.
- 4.6.6 Mr. Davies, the owner of Bryngwyn Service Station has never stopped the local residents using the claimed right of way over land within his ownership and has verbally agreed to a path being separated from his Service Station.
- 4.6.7 Photographs provided show a path along the line of the claimed right of way.

5. WELL-BEING OF FUTURE GENERATIONS

- 5.1 This report contributes to the Well Being Goals as set out in Section 3 earlier.
- 5.2 The Act not only identifies goals but advocates five ways of working to ensure that the objectives and sustainability are met and this report has been prepared with that in mind.
- 5.3 Whilst the Public Rights of Way network contributes to all seven Well Being Goals in part the most pertinent four are:-

1. A Resilient Wales

The network extends to over 500 miles and many of these routes have been in place prior to the use of motor vehicles. As such they are often the easiest and most direct routes of access between points. This encourages their use and has benefits in addressing long term issues including health, climate change and poverty all of which assist in making an adaptable but resilient county borough.

2. A Healthier Wales

Usage of the network, be it for recreation or daily business has significant benefits for a physical and mental health and helps address a number of significant health concerns within the county borough notably obesity, cardio vascular and diabetes which are probably problematic in CCBC. Usage of the network is increasing year on year.

3. A Wales of Cohesive Communities

The network links communities and facilities with each other and is usable by the vast majority of residents. A comprehensive and integrated network provides a fully functional and usable access system that benefits all and allows communities to function both directly e.g. ability to access services and individually e.g. through helping prevent or overcome underlying problems such as health and sustainable transport.

4. A Globally Responsible Wales

The carbon impact of the rights of way network is minimal and promotes sustainable transport on a number of counts. Increased local usage has a global effect in terms of slowing climate change and its impacts.

- 5.4 The provision of access helps meet both short and longer term needs and objectives without prejudicing the viability of the network for future generations. Rights of Way and access are fundamental to the daily life of most people and as such the network integrates and is necessary to meet many objectives of the Authority. The designation process, for rights of way, has involved extensive consultation with communities, groups and individuals and

collaboration takes place with other interested parties in terms of the management and maintenance of the network. Formal consultation forms part of these processes, including this report.

6. EQUALITIES IMPLICATIONS

- 6.1 An Equalities Impact Assessment is not needed because the issues covered are for information purposes only, therefore the Council's full EIA process does not need to be applied.

7. FINANCIAL IMPLICATIONS

- 7.1 The cost of a Modification Order should Members resolve to support the application, is in the region of £1,800.00. If the Modification Order is approved then there will be an additional cost to provide a separate footpath to the Service Station with some levelling of the ground and fencing.
- 7.2 As the landowner is not contesting the existence of the claimed right of way it is very doubtful that if a Modification Order is made that any objections would be received. However, it should be noted that if a Modification Order is made and objections received and not withdrawn this may result in a public inquiry, the cost of which may exceed £10,000.

8. PERSONNEL IMPLICATIONS

- 8.1 None.

9. CONSULTATIONS

- 9.1 For List of Consultees see Appendix 1. An e-mail has been received from the Open Spaces Society stating that they have no objections to the application to add this footpath to the Definitive Map and Statement.

10. RECOMMENDATIONS

- 10.1 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.
 - ii) Rejecting the claim.

11. REASONS FOR THE RECOMMENDATIONS

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

12. STATUTORY POWER

- 12.1 Wildlife and Countryside Act 1981. This is a Council function delegated to this Committee.

Author: Mrs. June E. Piper, CROW Support Officer
Consultees: Full list in Appendix 1

List of Documents

1. Description of Rights of Way Document No. 1
2. Location Plan Document No. 2
3. Plan showing claimed right of way Document No. 3
4. Application Form WCA5 submitted by Mr. Thurman Document No. 4
5. Form WCA7 served on landowners Document No. 5
6. Letter confirming notices have been displayed on site by Mr Thurman Document No. 6
7. Completed evidence user forms Document No. 7
8. Tables 1 and 2 – Usage of the Claimed Right of Way - Document No. 8
9. Interview Notes Document No. 9
10. Historical Map dated 1873-1888 Document No. 10
11. Historical Mapping 1900 -1904 Document No. 11
12. Historical Mapping 1919-1921 Document No. 12
13. Historical Mapping 1959-1973 Document No. 13
14. Historical Mapping 1959-1992 Document No. 14
15. Historical Mapping 1971-1992 Document No. 15
16. Draft Definitive Map Document No. 16
17. Definitive Map Document No. 17
18. Aerial Photograph 1940 Document No. 18
19. Aerial Photograph 1991 Document No. 19
20. Aerial Photograph 2001 Document No. 20
21. Aerial Photograph 2004-2005 Document No. 21
22. Aerial Photograph 2006 Document No. 22
23. Aerial Photograph 2010 Document No. 23
24. Aerial Photograph 2014 Document No. 24
25. Photographs supplied by Mr. Thurman Document No. 25
26. Photographs supplied by Mr. Thurman Document No. 26
27. Photographs taken of the Claimed Right of Way 14/9/16 Document No. 27
28. Land Registry

ETP/ROW/CROW 193 held at Tredomen House

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APPENDIX 1

LIST OF CONSULTEES

Draft report sent to the following for comments:-

Mr. T. Stephens, Development Control Manager
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 K. Dawson
Mr. Thurman, the applicant.

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ROLE OF COMMITTEE AND TERMS OF PUBLIC RIGHTS OF WAY

- ii) The term "public rights of way" is used to mean paths, tracks and unmetalled roads over which the public have the right to walk and in some cases ride horses and possibly drive motor vehicles.

These may be classified as follows:-

- A **footpath**: over which the right of way is on foot only.
- A **bridleway**: over which there is a right of way on foot and on horseback or leading a horse, and also for the use of a pedal cycle.
- A **byway open to all traffic**: this means a highway over which the public have a right of way for vehicular and all other kinds of traffic, but which is used by the public mainly for the purpose for which footpaths and bridleways are so used.

- iii) The Wildlife and Countryside Act 1981 places a duty on the County Borough Council to keep the existing definitive map under continuous review, make Modification Orders as necessary to take account of the occurrence of events requiring the map to be modified and to prepare definitive maps for any part of the area not previously surveyed.
- iv) The definitive map and statement will be modified by means of Orders made by the surveying authority i.e. the County Borough Council. The Wildlife and Countryside Act enables any person to apply to the surveying authority for an order to amend the definitive map.
- v) The procedure for making such an application is detailed in Schedule 14 of the Wildlife and Countryside Act. The application before you complies with these requirements.
- vi) When determining the application members will be acting in a quasi-judicial capacity. Before making an order, members must be satisfied that the evidence shows, **on the balance of probabilities**, that a right of way of a particular description exists. Each application must be dealt with on its own merits, noting the interests of both the applicants and the landowners.
- vii) This application is concerned with rights that are alleged to exist and not as to whether it would be prudent or beneficial to create them. The suitability of a way for users who have a right to use it, for example the nuisance that they are alleged to cause are not factors that should be considered by the Committee. **Members are also required to view the route of the proposed right of way in question.**

- viii) When considering the evidence that follows, members must be aware of the provisions of Section 31 of the Highways Act 1980 thus enabling members to determine whether there is sufficient weight of evidence to make an order.

Section 31 of the Highways Act states:-

"where a way over any land other than a way of such a character that use of it by the public could not be given rise at common law to any presumption of dedication, has been actually enjoyed by the public as a right and without interruption for a full period of 20 years, the way is to be deemed to have been dedicated a highway unless there is sufficient evidence that there was no intention during that period to dedicate it."

If in the case before you members are satisfied that the right of way has been used for a period in excess of 20 years, then there arises a presumption that the owner intended to dedicate the path as a right of way. It should be noted by members that the said 20 year period must be calculated retrospectively from the date when the way was first called into question.

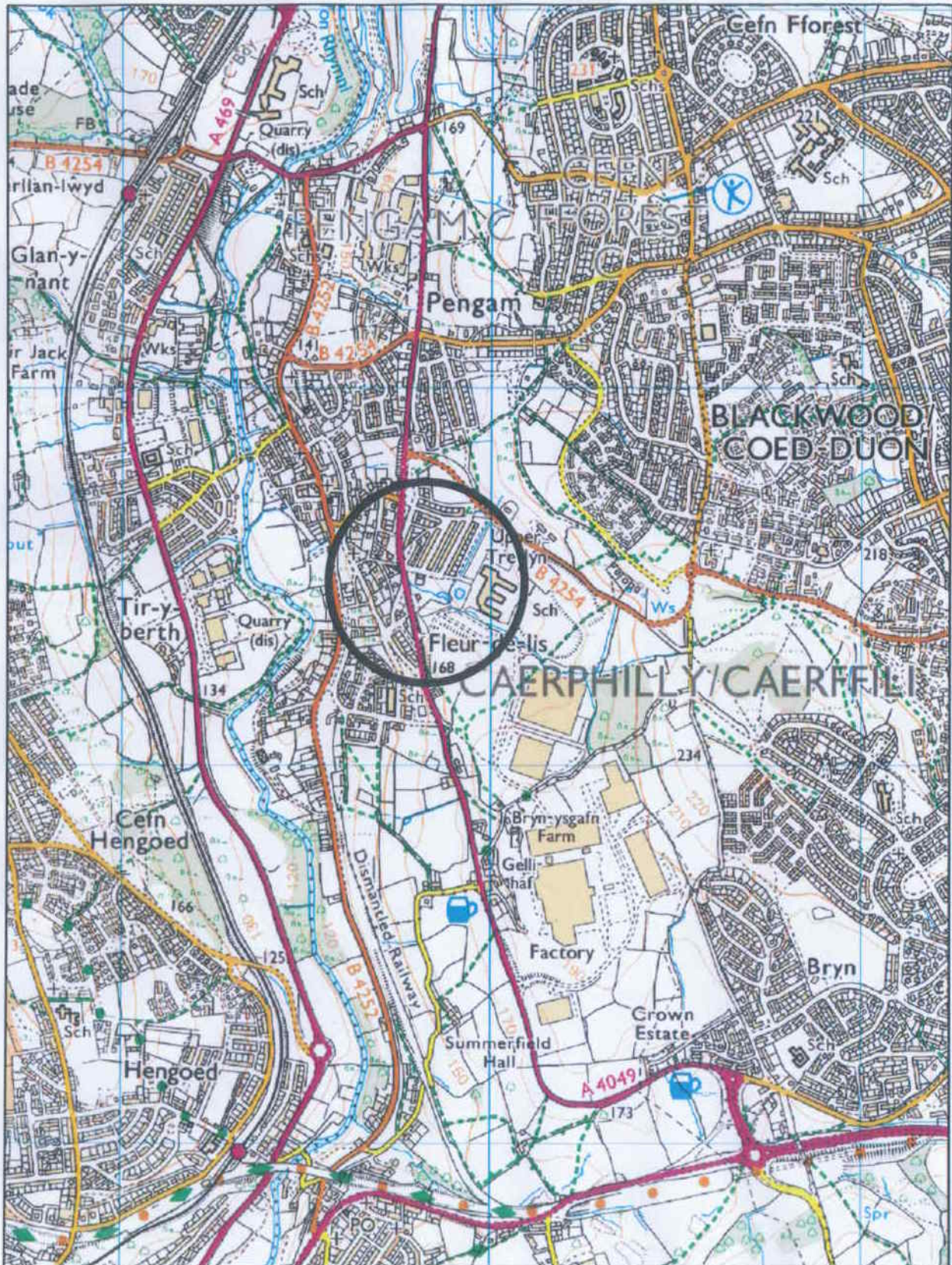
- ix) If following the site visit the Committee decides to make an Order, then once this decision has been reached the County Borough Council has to give notice of its general effect. Following members' decision there is a right of appeal to the National Assembly for Wales. A period of at least 42 days from the date of first publication of the notice must be allowed for objections."

If there are any valid objections the County Borough Council has to refer the Order, together with the objections to the Welsh Ministers who will then arrange for the Order and the objections to be considered by an independent Inspector. If no valid objections are made within the objection period then the County Borough Council may confirm the order itself as an unopposed Order.

Caerphilly County Borough Council

1:15,000

CLAIMED RIGHT OF WAY 193 - LOCATION MAP



CLAIMED RIGHT OF WAY 193 - FLEUR-DE-LIS A-B-C - - - -



OS Products: © 100025372, 2009. MasterMap™, 1:10000, 1:25000, 1:50000, 1:250000, 1:2500000,
 Image Layers: © 2006 produced by COWI A/S for
 the Welsh Assembly Government's Department for Environment, Planning and Countryside.
 © Geoinformation Group 1948, 2001, 2004-5.
 © The Standing Conference on Regional Policy in South Wales (1991),
 © BlomPictometry 2008.

CAERPHILLY COUNTY BOROUGH COUNCIL

CAERPHILLY COUNTY
BOROUGH COUNCIL

FORM W.C.A.5

No. FORM OF APPLICATION FOR A MODIFICATION ORDER

DATE RECEIVED - 1 NOV 2010 WILDLIFE AND COUNTRYSIDE ACT 1981

DATE ANSWERED: The Wildlife and Countryside
REFERRED TO: (Definitive Maps and Statements)
FILE REF: Regulations 1993 (Schedule 7)

DEFINITIVE MAP AND STATEMENT

COUNTY BOROUGH OF CAERPHILLY COUNTY BOROUGH COUNCIL

COMMUNITY OF: FLEUR-DE-LIS

I/We (name of applicant) BRIAN THURMAN

of (address of applicant) [REDACTED] STREET

Telephone N° (Home) [REDACTED]
(Business).....

hereby apply for an Order under Section 53 (2) of the Wildlife and Countryside Act 1981 modifying the Definitive Map and Statement for the area by:-

1.*Deleting the *(footpath) *(bridleway) *(byway open to all traffic)

shown as N°.....

leading from.....

to.....

OR

2.*Adding the *(footpath) *(bridleway) *(byway open to all traffic)

shown as N° 193 CROW

leading from Woodlands, WARNE STREET

to BRYNGWYN GARAGE

3. *(Upgrading) *(Downgrading) to a *(footpath) *(bridleway) *(byway open to all traffic) the *(footpath) *(bridleway) *(byway open to all traffic)

shown as N°.....

leading from.....

to.....

OR

4. *(Varying) *(Adding) to the statement particulars relating to the *(footpath) *(bridleway) *(byway open to all traffic)

shown as N°.....

leading from.....

to.....

(Please state below the modification required)

.....
.....
.....
.....

I/We attach a map and copies of the following documentary evidence (including statements of witnesses) in support of this application:-

List of Documents provided:-

.....
.....
.....
.....
.....
.....

Dated... 29-10-2010

Signed... [Signature]

* Please delete as appropriate

J.P. Pea

CAERPHILLY COUNTY BOROUGH COUNCIL

FORM W.C.A.7
FORM OF CERTIFICATE OF SERVICE OF NOTICE OF APPLICATION FOR A MODIFICATION ORDER

WILDLIFE AND COUNTRYSIDE ACT 1981 - 6 OCT 2010

The Wildlife and Countryside
(Definitive Maps and Statements)
Regulations 1993 (Schedule 9)

CAERPHILLY COUNTY BOROUGH COUNCIL
FORM W.C.A.7
ENVIRONMENT
No
FILE REF

DEFINITIVE MAP AND STATEMENT

CERTIFICATE OF SERVICE OF NOTICE OF APPLICATION FOR MODIFICATION ORDER

BOROUGH/DISTRICT OF CAERPHILLY

COMMUNITY FLEUR-DE-LIS

I/We (name of applicant) B. F. THURMAN

Of (address of applicant) ~~14, Main Street~~

Telephone N° (Home) ~~01495 222222~~
(Business).....

hereby certify that the requirements of paragraph 2 of Schedule 14 to the Wildlife and Countryside Act 1981 have been complied with. (Paragraph is printed on the reverse of this form).

Details of Modification TO MAINTAIN THE FOOTPATH

List of Owners and Occupiers Notified:-

CAERPHILLY COUNTY BOROUGH COUNCIL

BRYN GWYN GARAGE

Dated 6-10-2010

Signed.....

Compl..... d to:-

Mr Pat Mears
Chief Planning Officer
Council Offices,
Pontllanfraith,
Blackwood. NP12 2YW

Mr B. H. THURNIAN

[REDACTED]
[REDACTED]
[REDACTED]

5-12-10

[REDACTED] NP123RT

R-F NO. ETP/ROW/CROW 193.

Dear Mrs Piper

I can confirm that
the notices have been displayed and
maintained on site for one month

Yours

[REDACTED]

SEARCHED	INDEXED
SERIALIZED	FILED
DEC 7 2010	
FBI - [REDACTED]	
456 768	
- 7 DEC 2010	
RECEIVED	REFERENCED
FILED	FILED

CAERPHILLY COUNTY BOROUGH COUNCIL

WILDLIFE AND COUNTRYSIDE ACT 1981

The Wildlife and Countryside (Definitive Maps and Statements) Regulations 1993

PUBLIC RIGHTS OF WAY EVIDENCE FORM COMPLETED BY:

Name: PHILIP JOHN BUTLER

4. Name or route of path: FROM SI WARNE ST - PATRICK COTTAGES

5. National Grid References (ends of path):

6. Type of path: Footpath* /Bridleway* /Byway open to all traffic*. FOOT PATH

7. Do you regard the path as public (SEE NOTE 2): Yes/No YES

8. Is the path well defined: Yes/No YES

9. How long have you known the path: OVER 30 YEARS

10. Over what period have you used the path on foot, horseback, or motor vehicle, (state which).

ON FOOT AND HORSEBACK

11. How often over the period have you used the path: EVERY DAY WALKING DOGS

12. For what purpose did you use the path: WALKING WITH DOGS

13. Details of any stiles, handgates, field gates, bridges, notices, direction signs, warning signs, obstructions etc.

14. Name of Owner(s) or Tenant (s), if known:

15. Have you ever been employed by, or a tenant of, the owner of the land affected by the path: Yes/No* NO

16. Have you ever seen other people using the same route ie, Locals, strangers, Both. If so were they on foot, horseback in a vehicle

PLENTY OF LOCALS AND STRANGERS
ON FOOT MOSTLY

17. Have you always followed the same route. If not when was it changed and if known by whom:

SAME ROUTE

18. Did you ever seek or get permission to use the route. If so from whom:

NO

19. Have you, or to your knowledge has anyone, been stopped or turned back:

NO

20. Were you ever told by any owner or occupier or by their employee that the route was not public:

NO

21. Has your use of the route ever been in exercise of some private right, such as visiting someone who lived along the route, going to your own land or property, or delivering goods:

I USED TO RENT THE FIELD BEHIND WARNE ST - TO THE
GARAGE ON MAIN RD AND WOULD USE IT ALMOST EVERYDAY
TO GET TO MY HORSES

22. Is there to your knowledge evidence to support your claim eg, Enclosure Awards, Tithe Maps, Railway Maps:

DONT KNOW

23. Is the route or any part of it enclosed between boundaries, ie hedges, fences, ditches, walls:

.....
No
.....

Any further information.....

.....
.....
.....

DATE: 6th MARCH 2006.....

SIGNATURE OF USER MAKING STATEMENT.....

SIGNATURE OF PERSON TAKING STATEMENT (ie CLAIMANT).....
(FOR USE ONLY WITH A GROUP CLAIM - SEE NOTE ON FORM W.C.A.2).

CAERPHILLY COUNTY BOROUGH COUNCIL

WILDLIFE AND COUNTRYSIDE ACT 1981

The Wildlife and Countryside
(Definitive Maps and Statements)
Regulations 1993

PUBLIC RIGHTS OF WAY EVIDENCE FORM COMPLETED BY:

- Name: BYRON DODD
- 4. Name or route of path WARNE ST (CHILDRENS PLAYGROUND)
- 5. National Grid References (ends of path).....
- 6. Type of path: Footpath* / ~~Bridleway*~~ / ~~Byway open to all traffic*~~
- 7. Do you regard the path as public (SEE NOTE 2): Yes/No
- 8. Is the path well defined: Yes/No
- 9. How long have you known the path: 36 YRS.
- 10. Over what period have you used the path on foot, horseback, or motor vehicle, (state which).
FOOT (LIFETIME)
- 11. How often over the period have you used the path: EVERY DAY.
- 12. For what purpose did you use the path: GOING TO SCHOOL / WALKING DOGS
- 13. Details of any stiles, handgates, field gates, bridges, notices, direction signs, warning signs, obstructions etc.
.....
.....
- 14. Name of Owner(s) or Tenant (s), if known: C.C.B.C.
- 15. Have you ever been employed by, or a tenant of, the owner of the land affected by the path: Yes/No*

16. Have you ever seen other people using the same route ie, Locals, strangers, Both. If so were they on foot, horseback in a vehicle

YES ON FOOT

17. Have you always followed the same route. If not when was it changed and if known by whom:

YES

18. Did you ever seek or get permission to use the route. If so from whom:

NO

19. Have you, or to your knowledge has anyone, been stopped or turned back:

NO

20. Were you ever told by any owner or occupier or by their employee that the route was not public:

NO

21. Has your use of the route ever been in exercise of some private right, such as visiting someone who lived along the route, going to your own land or property, or delivering goods:

NO

22. Is there to your knowledge evidence to support your claim eg, Enclosure Awards, Tithe Maps, Railway Maps:

NO

23. Is the route or any part of it enclosed between boundaries, ie hedges, fences, ditches, walls:

YES

Any further information... PATH WAS ONCE RE-SURFACED
(TARMAK) APPROXIMATELY 30 YRS AGO.

DATE: 26/2/06

SIGNATURE OF USER MAKING STATEMENT..

SIGNATURE OF PERSON TAKING STATEMENT (ie CLAIMANT).....
(FOR USE ONLY WITH A GROUP CLAIM - SEE NOTE ON FORM W.C.A.2).

CAERPHILLY COUNTY BOROUGH COUNCIL

WILDLIFE AND COUNTRYSIDE ACT 1981

The Wildlife and Countryside
(Definitive Maps and Statements)
Regulations 1993

PUBLIC RIGHTS OF WAY EVIDENCE FORM COMPLETED BY:

Name: RALPH MORRIS

4. Name or route of path: S/O 51 WARNE ST TO PADFIELD COTTAGES

5. National Grid References (ends of path):

6. Type of path: Footpath* /Bridleway* /Byway open to all traffic*.

7. Do you regard the path as public (SEE NOTE 2): Yes/~~No~~ Yes

8. Is the path well defined: Yes/No

9. How long have you known the path: 40 years + Plus

10. Over what period have you used the path on foot, horseback, or motor vehicle, (state which).

on foot

11. How often over the period have you used the path: 2-3 Times Per Week

12. For what purpose did you use the path: From bus stop, to my Home

13. Details of any stiles, handgates, field gates, bridges, notices, direction signs, warning signs, obstructions etc.

WELL OVER GROWN BUSHES WHEN IN BLOSSOM
GOT TO STEP OFF PATH TO AVOID, IN SOME WAYS YOU SET = CHILDREN
TAKE
TICKET
PATH.

14. Name of Owner(s) or Tenant (s), if known: COUNCIL

15. Have you ever been employed by, or a tenant of, the owner of the land affected by the path: Yes/No*

16. Have you ever seen other people using the same route ie, Locals, strangers, Both. If so were they on foot, horseback in a vehicle

Locals, STRANGERS, Both on FOOT

17. Have you always followed the same route. If not when was it changed and if known by whom:

18. Did you ever seek or get permission to use the route. If so from whom:

NO

19. Have you, or to your knowledge has anyone, been stopped or turned back:

NO

20. Were you ever told by any owner or occupier or by their employee that the route was not public:

NO

21. Has your use of the route ever been in exercise of some private right, such as visiting someone who lived along the route, going to your own land or property, or delivering goods:

NO

22. Is there to your knowledge evidence to support your claim eg, Enclosure Awards, Tithe Maps, Railway Maps:

23. Is the route or any part of it enclosed between boundaries, ie hedges, fences, ditches, walls:

yes very enclosed by very dangerous
hedges, when walking by.

Any further information.....

~~water~~. Just a few times to take you
into about time you cleared THE BROOK
out behind water so avoiding any more

DATE: 23/2/06

SIGNATURE OF USER MAKING STATEMENT.

SIGNATURE OF PERSON TAKING STATEMENT (ie CLAIMANT).....
(FOR USE ONLY WITH A GROUP CLAIM - SEE NOTE ON FORM W.C.A.2).

floodings
IN
my
HOUSE
and
OTHERS

CAERPHILLY COUNTY BOROUGH COUNCIL

WILDLIFE AND COUNTRYSIDE ACT 1981

The Wildlife and Countryside
(Definitive Maps and Statements)
Regulations 1993

PUBLIC RIGHTS OF WAY EVIDENCE FORM COMPLETED BY:

Name: MR PHILIP DODD

4. Name or route of path: WARNE ST CHILDRENS PARK

5. National Grid References (ends of path):

6. Type of path: Footpath* / ~~Bridleway*~~ / ~~Byway open to all traffic*~~

7. Do you regard the path as public (SEE NOTE 2): Yes/~~No~~

8. Is the path well defined: Yes/~~No~~

9. How long have you known the path: APPROXIMATELY 50 YEARS.

10. Over what period have you used the path on foot, horseback, or motor vehicle, (state which).
ON FOOT FOR 50 YEARS.

11. How often over the period have you used the path: 2 TO 3 TIMES A WEEK.

12. For what purpose did you use the path: WALKING MY CHILDREN TO SCHOOL AND PLEASURE

13. Details of any stiles, handgates, field gates, bridges, notices, direction signs, warning signs, obstructions etc.
NONE.

14. Name of Owner(s) or Tenant (s), if known: CCBC

15. Have you ever been employed by, or a tenant of, the owner of the land affected by the path: ~~Yes~~/No*

16. Have you ever seen other people using the same route ie, Locals, strangers, Both. If so were they on foot, horseback in a vehicle

EVERY DAY

17. Have you always followed the same route. If not when was it changed and if known by whom:

SAME ROUTE FOR THE LAST
50 YEARS

18. Did you ever seek or get permission to use the route. If so from whom:

NEVER

19. Have you, or to your knowledge has anyone, been stopped or turned back:

NEVER

20. Were you ever told by any owner or occupier or by their employee that the route was not public:

No

21. Has your use of the route ever been in exercise of some private right, such as visiting someone who lived along the route, going to your own land or property, or delivering goods:

VISITING SOMEONE

22. Is there to your knowledge evidence to support your claim eg, Enclosure Awards, Tithe Maps, Railway Maps:

No

23. Is the route or any part of it enclosed between boundaries, ie hedges, fences, ditches, walls:

YES SHORT HEDGE ON ONE
END.

Any further information THIS FOOTPATH WAS PUT DOWN IN
ASPHALT AT THE SAME TIME AS THE
PATH DOWN BY THE SIDE OF FAIRVIEWS SCHOOL.
THE PATH FROM THE SCHOOL TO WARNE ST. *

DATE: 23/2/06.

SIGNATURE OF USER MAKING STATEMENT.....

SIGNATURE OF PERSON TAKING STATEMENT (ie CLAIMANT).....
(FOR USE ONLY WITH A GROUP CLAIM - SEE NOTE ON FORM W.C.A.2).

* AND FROM WARNE ST TO BRYNGWYN
BY MR NORMAN WALKER WHO WAS ON
CONTRACT TO THE LOCAL COUNCIL
THIS WAS APPROXIMATELY 30 YEARS
AGO.

CAERPHILLY COUNTY BOROUGH COUNCIL

WILDLIFE AND COUNTRYSIDE ACT 1981

The Wildlife and Countryside
(Definitive Maps and Statements)
Regulations 1993

PUBLIC RIGHTS OF WAY EVIDENCE FORM COMPLETED BY:

Name: Glenis Eales

4. Name or route of path: Bottom of Worne St, to the Main Road

5. National Grid References (ends of path): Right through to Main Road + Bus stop

6. Type of path: Footpath* / Bridleway* / Byway open to all traffic*.

7. Do you regard the path as public (SEE NOTE 2): Yes/No

8. Is the path well defined: Yes/No

9. How long have you known the path: Well before I was born always been there

10. Over what period have you used the path on foot, horseback, or motor vehicle, (state which).

on Foot every day to work + from work + to catch the Bus.

11. How often over the period have you used the path: every day

12. For what purpose did you use the path: To + from work + catch a Bus

13. Details of any stiles, handgates, field gates, bridges, notices, direction signs, warning signs, obstructions etc.

CAR'S are Blocking the way, cant get past sometimes, It always been a right of way. he new this when he had garage built

14. Name of Owner(s) or Tenant (s), if known: MIKE DAVIS

Garage, he PARK'S his car in the way. OF FOOT PATH.

15. Have you ever been employed by, or a tenant of, the owner of the land affected by the path: Yes/No*

16. Have you ever seen other people using the same route ie, Locals, strangers, Both. If so were they on foot, horseback in a vehicle

Locals use it all the time

17. Have you always followed the same route. If not when was it changed and if known by whom:

yes, but Mr. DAVIS, is always trying to block it. that footpath was there before he had his garage built.

18. Did you ever seek or get permission to use the route. If so from whom:

its been a right-of-way. why should I ask permission.

19. Have you, or to your knowledge has anyone, been stopped or turned back:

No, but it has been blocked, with cars + I approached Mr. DAVIS about this.

20. Were you ever told by any owner or occupier or by their employee that the route was not public:

No, Mr. DAVIS has just enclosed his garage without telling anyone.

21. Has your use of the route ever been in exercise of some private right, such as visiting someone who lived along the route, going to your own land or property, or delivering goods:

going back + forth to my own home. When Mr. DAVIS came there with his garage he was told of the footpath & told NOT to block it. But he chose & thinks he can get away with it.

22. Is there to your knowledge evidence to support your claim eg, Enclosure Awards, Tithe Maps, Railway Maps:

have'nt got any. its always been there now he trying to block it.

23. Is the route or any part of it enclosed between boundaries, ie hedges, fences, ditches, walls:

~~NO~~ fences

Any further information..... This route has always been there
just because he, want now, to extend his
Garage, way should he take out footpath, he
was alright, when he first came, but now he's allwa
trying to block it, with her car's.
DATE: 2-3-06

SIGNATURE OF USER MAKING STATEMENT.....

SIGNATURE OF PERSON TAKING STATEMENT (ie CLAIMANT).....
(FOR USE ONLY WITH A GROUP CLAIM - SEE NOTE ON FORM W.C.A.2).

CAERPHILLY COUNTY BOROUGH COUNCIL

WILDLIFE AND COUNTRYSIDE ACT 1981

The Wildlife and Countryside
(Definitive Maps and Statements)
Regulations 1993

PUBLIC RIGHTS OF WAY EVIDENCE FORM COMPLETED BY:

Name: DOROTHY MARY BARNETT

4. Name or route of path: From S/O 51 WARNE ST TO PADFIELD COTTAGES

5. National Grid References (ends of path): ?

6. Type of path: Footpath* / Bridleway* / Byway open to all traffic*

7. Do you regard the path as public (SEE NOTE 2): Yes/No

8. Is the path well defined: Yes/No

9. How long have you known the path: SINCE 1942 WHEN I CAME HERE TO LIVE.

10. Over what period have you used the path on foot, horseback, or motor vehicle, (state which).

FOOT

11. How often over the period have you used the path: ALMOST EVERY DAY.

12. For what purpose did you use the path: (TO WALK ON.)

13. Details of any stiles, handgates, field gates, bridges, notices, direction signs, warning signs, obstructions etc.

14. Name of Owner(s) or Tenant (s), if known: AS FAR AS I KNOW THE COUNCEL. THEY HAVE ALWAYS CUT THE GRASS.

15. Have you ever been employed by, or a tenant of, the owner of the land affected by the path: Yes/No*

16. Have you ever seen other people using the same route ie, Locals, strangers, Both. If so were they on foot, horseback in a vehicle

YES ALWAYS ON FOOT. IT IS ONLY A FOOT PATH ?
NO ROOM FOR CARS OR ANYTHING ELSE.
IT IS ONLY A FOOT PATH

17. Have you always followed the same route. If not when was it changed and if known by whom:

YES I HAVE MY SON LIVE IN BUTERY TERRACE
AND I USE THE PATH TO VISIT, TO CATCH THE
BUS.

18. Did you ever seek or get permission to use the route. If so from whom:

AS FAR AS I KNOW IT HAS ALWAYS BEEN A
(PUBLIC PATH)

19. Have you, or to your knowledge has anyone, been stopped or turned back:

NO. FOR WHAT REASON WOULD THEY STOP YOU
IT IS JUST A SIMPEL PUBLIC (FOOTPATH)

20. Were you ever told by any owner or occupier or by their employee that the route was not public:

NO

21. Has your use of the route ever been in exercise of some private right, such as visiting someone who lived along the route, going to your own land or property, or delivering goods:

NO

22. Is there to your knowledge evidence to support your claim eg, Enclosure Awards, Tithe Maps, Railway Maps:

23. Is the route or any part of it enclosed between boundaries, ie hedges, fences, ditches, walls:

NO

Any further information. MY CHILDREN WERE BORN HERE I
HAD A SON 62 YEARS, A SON 60, A DAUGHTER 44
1 AM 82 YEARS OLD. I USED IT EVERY DAY TO
TAKE THEM TO SCHOOL SO I KNOW THE PATH VERY WELL

DATE: 26-2-06

SIGNATURE OF USER MAKING STATEMENT

SIGNATURE OF PERSON TAKING STATEMENT (ie CLAIMANT)
(FOR USE ONLY WITH A GROUP CLAIM - SEE NOTE ON FORM W.C.A.2).

PLEASE NOTE

1. All sections must be completed.
2. "statute law provides that a public right of way may be presumed to have been dedicated as a highway if it has been actually enjoyed by the public as a right and without interruption for a full period of 20 years before any date on which the right of the public to use the way is brought into question. (Highways Act 1980 Section 31(1) and 31(2)".
3. You may be asked to give evidence at a Public Inquiry should a dispute arise over the claimed path.
4. * Delete as necessary.

Completed forms to be returned to:-

Mark Rees-Williams, B.Sc.(Hons) MBA, CEng, MICE
Chief Engineer,
Engineering Division HQ,
Directorate of the Environment,
Council Offices,
Pontllanfraith,
Blackwood. NP2 2YW

Dear Sir I feel I must voice my opinion
at my age. I have seen so much change in this
little village every thing gone I live right
at the start of this Path. Why the Fuss after all
these years 56 WARMST. Our children get Nothing
only a little Patch By the Path were they Play
No Play Ground No Football field. They Have Taken
The Lump up To Edward St. (Welsh school) looking
at me. Factories were there where lovely ^{woods} ~~woods~~
Trees, Birds, Owls, squirrels, Rabbits. We walked
my children up where the school is They caught
Frogs Tadpoles The Path is now gone. I Hope
not another Madman is on about this Path
You have allowed this Man To cut Down Beautiful
TREES

CAERPHILLY COUNTY BOROUGH COUNCIL

WILDLIFE AND COUNTRYSIDE ACT 1981

The Wildlife and Countryside
(Definitive Maps and Statements)
Regulations 1993

PUBLIC RIGHTS OF WAY EVIDENCE FORM COMPLETED BY:

Name: Junie LUCAS

4. Name or route of path: Warne ST PARK PATH

5. National Grid References (ends of path): Bryngwyn Main Road

6. Type of path: Footpath* /Bridleway* /Byway open to all traffic*

7. Do you regard the path as public (SEE NOTE 2): Yes/No

8. Is the path well defined: Yes/No BUT GETTING OVERGROWN

9. How long have you known the path: 47 yrs

10. Over what period have you used the path on foot, horseback, or motor vehicle, (state which).

FOOT PATH

11. How often over the period have you used the path: THOUSANDS OF TIMES

12. For what purpose did you use the path: SHORT CUT, POND, PARK.

13. Details of any stiles, handgates, field gates, bridges, notices, direction signs, warning signs, obstructions etc.

14. Name of Owner(s) or Tenant (s), if known: always THOUGHT IT WAS THE COUNCIL.

15. Have you ever been employed by, or a tenant of, the owner of the land affected by the path: Yes/No*

16. Have you ever seen other people using the same route ie, Locals, strangers, Both. If so were they on foot, horseback in a vehicle

BOTH
ON FOOT AND HORSE BACK

17. Have you always followed the same route. If not when was it changed and if known by whom:

YES, THE COUNCIL TACKLED IT
WHEN THEY PUT THE WELFARE THERE.

18. Did you ever seek or get permission to use the route. If so from whom:

NO

19. Have you, or to your knowledge has anyone, been stopped or turned back:

NO

20. Were you ever told by any owner or occupier or by their employee that the route was not public:

NO

21. Has your use of the route ever been in exercise of some private right, such as visiting someone who lived along the route, going to your own land or property, or delivering goods:

NO

22. Is there to your knowledge evidence to support your claim eg, Enclosure Awards, Tithe Maps, Railway Maps:

DONT KNOW

23. Is the route or any part of it enclosed between boundaries, ie hedges, fences, ditches, walls:

.....no.....

Any further information.....

.....

.....

.....

DATE: 06 03 06.....

SIGNATURE OF USER MAKING STATEMENT.....

SIGNATURE OF PERSON TAKING STATEMENT (ie CLAIMANT).....
(FOR USE ONLY WITH A GROUP CLAIM - SEE NOTE ON FORM W.C.A.2).

CAERPHILLY COUNTY BOROUGH COUNCIL

WILDLIFE AND COUNTRYSIDE ACT 1981

The Wildlife and Countryside
(Definitive Maps and Statements)
Regulations 1993

PUBLIC RIGHTS OF WAY EVIDENCE FORM COMPLETED BY:

Name: M.R. D. PRICE

4. Name or route of path: FOOT PATH S/O ⁵¹WARNE ST. TO PADFIELD COTTAGES

5. National Grid References (ends of path):

6. Type of path: Footpath* /Bridleway* /Byway open to all traffic*.

7. Do you regard the path as public (SEE NOTE 2): Yes/No

8. Is the path well defined: Yes/No

9. How long have you known the path: ALL MY LIFE

10. Over what period have you used the path on foot, horseback, or motor vehicle, (state which).

EVERY DAY

11. How often over the period have you used the path: EVERY DAY

12. For what purpose did you use the path: FOR WALKING

13. Details of any stiles, handgates, field gates, bridges, notices, direction signs, warning signs, obstructions etc.

14. Name of Owner(s) or Tenant (s), if known: CAERPHILLY COUNCIL

15. Have you ever been employed by, or a tenant of, the owner of the land affected by the path: Yes/No*

16. Have you ever seen other people using the same route ie, Locals, strangers, Both. If so were they on foot, horseback in a vehicle

yes ON FOOT

17. Have you always followed the same route. If not when was it changed and if known by whom:

ALWAYS FOLLOWED THE SAME ROUTE

18. Did you ever seek or get permission to use the route. If so from whom:

NO

19. Have you, or to your knowledge has anyone, been stopped or turned back:

NO

20. Were you ever told by any owner or occupier or by their employee that the route was not public:

NO

21. Has your use of the route ever been in exercise of some private right, such as visiting someone who lived along the route, going to your own land or property, or delivering goods:

EXERCISE

22. Is there to your knowledge evidence to support your claim eg, Enclosure Awards, Tithe Maps, Railway Maps:

23. Is the route or any part of it enclosed between boundaries, ie hedges, fences, ditches, walls:

..... HEDGES & FENCES

Any further information.....

DATE: 18/2/06.....

SIGNATURE OF USER MAKING STATEMENT.....

SIGNATURE OF PERSON TAKING STATEMENT (ie CLAIMANT).....
(FOR USE ONLY WITH A GROUP CLAIM - SEE NOTE ON FORM W.C.A.2).

CAERPHILLY COUNTY BOROUGH COUNCIL

WILDLIFE AND COUNTRYSIDE ACT 1981

The Wildlife and Countryside
(Definitive Maps and Statements)
Regulations 1993

PUBLIC RIGHTS OF WAY EVIDENCE FORM COMPLETED BY:

Name: A + M. KRUK

4. Name or route of path: WARNE ST. PATH. ITS CALLED.

5. National Grid References (ends of path):

6. Type of path: Footpath* /Bridleway* /Byway open to all traffic*

7. Do you regard the path as public (SEE NOTE 2): Yes/No

8. Is the path well defined: Yes/No

9. How long have you known the path: 77 YEARS.

10. Over what period have you used the path on foot, horseback, or motor vehicle, (state which).

77 YEARS.

11. How often over the period have you used the path: EVERY DAY MOSTLY

12. For what purpose did you use the path: to get short cut to Buses.

13. Details of any stiles, handgates, field gates, bridges, notices, direction signs, warning signs, obstructions etc.

14. Name of Owner(s) or Tenant (s), if known: WHEN I WAS A CHILD

IT WAS MR HERBERT DAVIES WAS
OWNER.

15. Have you ever been employed by, or a tenant of, the owner of the land affected by the path: Yes/No*

16. Have you ever seen other people using the same route ie, Locals, strangers, Both. If so were they on foot, horseback in a vehicle

YES MANY PEOPLE, ITS
A SHORT CUT TO MANY PLACES.

17. Have you always followed the same route. If not when was it changed and if known by whom:

YES

18. Did you ever seek or get permission to use the route. If so from whom:

NO AS ITS ALWAYS BEEN KNOWN
AS A PUBLIC FOOTPATH.

19. Have you, or to your knowledge has anyone, been stopped or turned back:

NO NEVER.

20. Were you ever told by any owner or occupier or by their employee that the route was not public:

NO NEVER.

21. Has your use of the route ever been in exercise of some private right, such as visiting someone who lived along the route, going to your own land or property, or delivering goods:

YES. PEOPLE WHO LIVE IN
SUMMER FIELD TERRACE +
SCHOOL STREET.

22. Is there to your knowledge evidence to support your claim eg, Enclosure Awards, Tithe Maps, Railway Maps:

SOME PEOPLE DO HAVE THEM
BUT I'm NOT ONE OF THEM.

23. Is the route or any part of it enclosed between boundaries, ie hedges, fences, ditches, walls:

.....
.....

Any further information..... WHEN I WAS A CHILD
WE ALWAYS USED THE PATH TO GO
TO FLEUR SCHOOL and TO PLAY
DOWN THE FIELDS THAT WAS THERE

DATE:.....

SIGNATURE OF USER MAKING STATEMENT.....

SIGNATURE OF PERSON TAKING STATEMENT (ie CLAIMANT).....
(FOR USE ONLY WITH A GROUP CLAIM - SEE NOTE ON FORM W.C.A.2).

CAERPHILLY COUNTY BOROUGH COUNCIL

WILDLIFE AND COUNTRYSIDE ACT 1981

The Wildlife and Countryside
(Definitive Maps and Statements)
Regulations 1993

PUBLIC RIGHTS OF WAY EVIDENCE FORM COMPLETED BY:

Name:..... A. MOREAN

4. Name or route of path..... 193 CROW

5. National Grid References (ends of path).....

6. Type of path:Footpath* /Bridleway* /Byway open to all traffic*.

7. Do you regard the path as public (SEE NOTE 2): Yes/No

8. Is the path well defined: Yes No

9. How long have you known the path:..... 14 years

10. Over what period have you used the path on foot, horseback, or motor vehicle, (state which).

..... foot

11. How often over the period have you used the path:..... 5 TIME A WEEK

12. For what purpose did you use the path:..... SCHOOL RAN (WALK)

13. Details of any stiles, handgates, field gates, bridges, notices, direction signs, warning signs, obstructions etc.

..... N/A

14. Name of Owner(s) or Tenant (s), if known:.....

..... N/A

15. Have you ever been employed by, or a tenant of, the owner of the land affected by the path: Yes No*

16. Have you ever seen other people using the same route ie, Locals, strangers, Both. If so were they on foot, horseback in a vehicle

YES on foot

17. Have you always followed the same route. If not when was it changed and if known by whom:

SAME route

18. Did you ever seek or get permission to use the route. If so from whom:

No

19. Have you, or to your knowledge has anyone, been stopped or turned back:

No

20. Were you ever told by any owner or occupier or by their employee that the route was not public:

No

21. Has your use of the route ever been in exercise of some private right, such as visiting someone who lived along the route, going to your own land or property, or delivering goods:

NO

22. Is there to your knowledge evidence to support your claim eg, Enclosure Awards, Tithe Maps, Railway Maps:

N/A

23. Is the route or any part of it enclosed between boundaries, ie hedges, fences, ditches, walls:

yes

Any further information... I use this route to

TAKE my girls back and for to
School for 14 years

Date: 4 DEC 2013

(FOR USE ONLY WITH A GROUP CLAIM - SEE NOTE ON FORM W.C.A.2).

CAERPHILLY COUNTY BOROUGH COUNCIL

WILDLIFE AND COUNTRYSIDE ACT 1981

The Wildlife and Countryside
(Definitive Maps and Statements)
Regulations 1993

PUBLIC RIGHTS OF WAY EVIDENCE FORM COMPLETED BY:

Name: Craig Westwood

4. Name or route of path: 193 CROW

5. National Grid References (ends of path):

6. Type of path: Footpath* / ~~Bridleway*~~ / ~~Byway open to all traffic*~~

7. Do you regard the path as public (SEE NOTE 2): Yes/~~No~~

8. Is the path well defined: ~~Yes~~/No

9. How long have you known the path: 25 years

10. Over what period have you used the path on foot, horseback, or motor vehicle, (state which).

25 years as a foot path.

11. How often over the period have you used the path: very often as both child + adult

12. For what purpose did you use the path: walking to school + bus stop

13. Details of any stiles, handgates, field gates, bridges, notices, direction signs, warning signs, obstructions etc.

there is now a fence from the garage covering foot path causing an obstruction

14. Name of Owner(s) or Tenant (s), if known:

15. Have you ever been employed by, or a tenant of, the owner of the land affected by the path: ~~Yes~~/No* No

16. Have you ever seen other people using the same route ie, Locals, strangers, Both. If so were they on foot, horseback in a vehicle

Yes, A lot of people use the footpath travelling by foot (Locals + Strangers).

17. Have you always followed the same route. If not when was it changed and if known by whom:

Yes, recently changed due path being overgrown + obstruction.

18. Did you ever seek or get permission to use the route. If so from whom:

No

19. Have you, or to your knowledge has anyone, been stopped or turned back:

No

20. Were you ever told by any owner or occupier or by their employee that the route was not public:

No

21. Has your use of the route ever been in exercise of some private right, such as visiting someone who lived along the route, going to your own land or property, or delivering goods:

No

22. Is there to your knowledge evidence to support your claim eg, Enclosure Awards, Tithe Maps, Railway Maps:

No

23. Is the route or any part of it enclosed between boundaries, ie hedges, fences, ditches, walls:

.....

.....

Any further information..... There used to be a park
alongside the path which as since been
turned to a garden area.

Date: 10/12/13.....

(FOR USE ONLY WITH A GROUP CLAIM - SEE NOTE ON FORM W.C.A.2).

CAERPHILLY COUNTY BOROUGH COUNCIL

WILDLIFE AND COUNTRYSIDE ACT 1981

The Wildlife and Countryside
(Definitive Maps and Statements)
Regulations 1993

PUBLIC RIGHTS OF WAY EVIDENCE FORM COMPLETED BY:

Name: M. J. Roberts

4. Name or route of path: 193 CROW

5. National Grid References (ends of path):

6. Type of path: Footpath* / Bridleway* / Byway open to all traffic*

7. Do you regard the path as public (SEE NOTE 2): Yes/No

8. Is the path well defined: Yes/No

9. How long have you known the path: 70 YEARS

10. Over what period have you used the path on foot, horseback, or motor vehicle* (state which).

ON FOOT 72 YEARS WITH MOTHER

11. How often over the period have you used the path: DAILY

12. For what purpose did you use the path: To go to school ILEUR DE WIG INFANTS AND TO GO TO MY CRANS DOWN TERRIS

13. Details of any stiles, handgates, field gates, bridges, notices, direction signs, warning signs, obstructions etc.

NONE

14. Name of Owner(s) or Tenant (s), if known: MRS HERBERT DAVIS WINTH

Moved to USA COUNCIL TOOK OVER GROUND

15. Have you ever been employed by, or a tenant of, the owner of the land affected by the path: Yes/No* WISH YOU ARE KNOWN TO HAVE TARMACK PATH AND PUT PLAY AREA ON LEFT SIDE OF PATH

16. Have you ever seen other people using the same route ie, Locals, strangers, Both / If so were they on foot, horseback in a vehicle

..... ON FOOT ONLY

17. Have you always followed the same route. If not when was it changed and if known by whom:

..... YES AND STILL DO

18. Did you ever seek or get permission to use the route. If so from whom:

..... NO

19. Have you, or to your knowledge has anyone, been stopped or turned back:

..... NEVER

20. Were you ever told by any owner or occupier or by their employee that the route was not public:

..... NO

21. Has your use of the route ever been in exercise of some private right, such as visiting someone who lived along the route, going to your own land or property, or delivering goods:

..... TO CATCH PDS

22. Is there to your knowledge evidence to support your claim eg, Enclosure Awards, Tithe Maps, Railway Maps:

..... THERE IS MAPS IN COUNCIL
..... SOME WHERE (ARCHIVE)

23. Is the route or any part of it enclosed between boundaries, ie hedges, fences, ditches, walls:

..... NOW IT IS FENCES FROM ~~THE~~ GARAGES

Any further information.....
.....
.....
.....

Date: 27-11-03

(FOR USE ONLY WITH A GROUP CLAIM - SEE NOTE ON FORM W.C.A.2).

2ND
FORM

CAERPHILLY COUNTY BOROUGH COUNCIL

WILDLIFE AND COUNTRYSIDE ACT 1981

The Wildlife and Countryside
(Definitive Maps and Statements)
Regulations 1993

PUBLIC RIGHTS OF WAY EVIDENCE FORM COMPLETED BY:

Name:..... M. J. Roberts

4. Name or route of path.....

5. National Grid References (ends of path).....

6. Type of path: Footpath* / Bridleway* / Byway open to all traffic*.

7. Do you regard the path as public (SEE NOTE 2): Yes/No

8. Is the path well defined: Yes/No

9. How long have you known the path:..... 64 YEARS

10. Over what period have you used the path on foot, horseback, or motor vehicle, (state which).

..... 60 YEARS FOOT

11. How often over the period have you used the path:..... EVERY DAY

12. For what purpose did you use the path:..... WALKING TO MAIN ROAD

13. Details of any stiles, handgates, field gates, bridges, notices, direction signs, warning signs, obstructions etc.

..... FOOT PATH HAVE BEEN TAKEN

..... BY COUNCIL FOR TEN YEARS X

14. Name of Owner(s) or Tenant (s), if known:..... COUNCIL

15. Have you ever been employed by, or a tenant of, the owner of the land affected by the path: Yes/No*

16. Have you ever seen other people using the same route ie, Locals, strangers, Both. If so were they on foot, horseback in a vehicle

..... LOCALS AND STRANGERS FOOT
.....
.....

17. Have you always followed the same route. If not when was it changed and if known by whom:

..... YES
.....
.....

18. Did you ever seek or get permission to use the route. If so from whom:

..... NO
.....
.....

19. Have you, or to your knowledge has anyone, been stopped or turned back:

..... NO
.....
.....

20. Were you ever told by any owner or occupier or by their employee that the route was not public:

..... NO
.....
.....

21. Has your use of the route ever been in exercise of some private right, such as visiting someone who lived along the route, going to your own land or property, or delivering goods:

.....
.....
.....

22. Is there to your knowledge evidence to support your claim eg, Enclosure Awards, Tithe Maps, Railway Maps:

..... YES
.....
.....
.....

23. Is the route or any part of it enclosed between boundaries, ie hedges, fences, ditches, walls:

.....
.....

Any further information.....

.....
.....
.....

DATE: 13-3-2006.....

SIGNATURE OF USER MAKING STATEMENT.....

SIGNATURE OF PERSON TAKING STATEMENT (ie CLAIMANT).....

(FOR USE ONLY WITH A GROUP CLAIM - SEE NOTE ON FORM W.C.A.2).

CAERPHILLY COUNTY BOROUGH COUNCIL

WILDLIFE AND COUNTRYSIDE ACT 1981

The Wildlife and Countryside
(Definitive Maps and Statements)
Regulations 1993

PUBLIC RIGHTS OF WAY EVIDENCE FORM COMPLETED BY:

Name: MR B. F. THURMAN

4. Name or route of path: S/O 51 WARNE ST. TO RADFIELD COTTAGES

5. National Grid References (ends of path):

6. Type of path: Footpath* / ~~Bridleway*~~ / ~~Byway open to all traffic*~~

7. Do you regard the path as public (SEE NOTE 2): Yes/~~No~~

8. Is the path well defined: Yes/~~No~~

9. How long have you known the path: APPROXIMATELY 45 YEARS

10. Over what period have you used the path on foot, horseback, or motor vehicle, (state which).

ON FOOT

11. How often over the period have you used the path: 3 TO 4 TIMES A WEEK

12. For what purpose did you use the path: WALKING DOG / CHILDREN TO SCHOOL

13. Details of any stiles, handgates, field gates, bridges, notices, direction signs, warning signs, obstructions etc.

OVER GROWN BUSHES WHEN IN BLOOM ALSO

CARS ARE BLOCKING THE WAY ITS ALWAYS BEEN A RIGHT OF WAY BEFORE GARAGE WAS BUILT

14. Name of Owner(s) or Tenant (s), if known: C.C.B.C.

15. Have you ever been employed by, or a tenant of, the owner of the land affected by the path: Yes/~~No~~*

16. Have you ever seen other people using the same route ie, Locals, strangers, Both. If so were they on foot, horseback in a vehicle

LOCALS, STRANGERS ON FOOT

17. Have you always followed the same route. If not when was it changed and if known by whom:

YES

18. Did you ever seek or get permission to use the route. If so from whom:

NO

19. Have you, or to your knowledge has anyone, been stopped or turned back:

NO

20. Were you ever told by any owner or occupier or by their employee that the route was not public:

NO

21. Has your use of the route ever been in exercise of some private right, such as visiting someone who lived along the route, going to your own land or property, or delivering goods:

VISITING FRIENDS

22. Is there to your knowledge evidence to support your claim eg, Enclosure Awards, Tithe Maps, Railway Maps:

MAPS

23. Is the route or any part of it enclosed between boundaries, ie hedges, fences, ditches, walls:

YES STONE HEDGE

Any further information THIS FOOTPATH WAS TARMACED THE SAME
TIME AS FAIRVIEW SCHOOL PATH TO WARNE ST. BY A
CONTRACTOR FOR LOCAL COUNCIL. ABOUT 31 YEARS AGO

DATE: 5-3-06

SIGNATURE OF USER MAKING STATEMENT.....

SIGNATURE OF PERSON TAKING STATEMENT (ie CLAIMANT).....
(FOR USE ONLY WITH A GROUP CLAIM - SEE NOTE ON FORM W.C.A.2).

CAERPHILLY COUNTY BOROUGH COUNCIL

WILDLIFE AND COUNTRYSIDE ACT 1981

The Wildlife and Countryside
(Definitive Maps and Statements)
Regulations 1993

PUBLIC RIGHTS OF WAY EVIDENCE FORM COMPLETED BY:

Name: BRIAN THURMAN

4. Name or route of path: 193 CROW

5. National Grid References (ends of path):

6. Type of path: ~~Footpath*~~ / ~~Bridleway*~~ / ~~Byway open to all traffic*~~

7. Do you regard the path as public (SEE NOTE 2): Yes/~~No~~

8. Is the path well defined: Yes/~~No~~

9. How long have you known the path: 65 YEARS

10. Over what period have you used the path on foot, ~~horseback~~, or ~~motor vehicle~~, (state which).

65 YEARS ON FOOT

11. How often over the period have you used the path: 4 TO 5 TIMES A WEEK

12. For what purpose did you use the path: GOING TO BUS STOP, GOING FOR WALKS, VISITING FRIENDS

13. Details of any stiles, handgates, field gates, bridges, notices, direction signs, warning signs, obstructions etc.

CARS PARKED ON FOOTPATH BEFORE BEING REMOVED.

WALKING BETWEEN CARS, CARS REVERSING WHEN WALKING PAST.

14. Name of Owner(s) or Tenant (s), if known: BRYNGWYN GARAGE

M. DAVIES

15. Have you ever been employed by, or a tenant of, the owner of the land affected by the path: Yes/~~No~~*

16. Have you ever seen other people using the same route ie, Locals, strangers, Both. If so were they on foot, horseback in a vehicle

ON FOOT CHILDREN GOING TO FLEUR-DE-LIS SCHOOL, LOCALS GOING FOR WALKS, STRANGERS WALKING USING THE PATH

17. Have you always followed the same route. If not when was it changed and if known by whom:

YES

18. Did you ever seek or get permission to use the route. If so from whom:

NO

19. Have you, or to your knowledge has anyone, been stopped or turned back:

NO

20. Were you ever told by any owner or occupier or by their employee that the route was not public:

NO

21. Has your use of the route ever been in exercise of some private right, such as visiting someone who lived along the route, going to your own land or property, or delivering goods:

22. Is there to your knowledge evidence to support your claim eg, Enclosure Awards, Tithe Maps, Railway Maps:

I HAVE SOME MAPS AND THE COUNCIL HAVE THE SAME MAPS WHICH SHOWS IT AS A RIGHT OF WAY

23. Is the route or any part of it enclosed between boundaries, ie hedges, fences, ditches, walls:

FENCE AND A WALL

Any further information I first mention the footpath at a meeting of B.F.P. Community Development Group on 20th February 2002. The chairman is A.E. Davies and the councillor was Mr Noel Turner with I still have the minutes of the meeting.

Date: 7-8-12

(FOR USE ONLY WITH A GROUP CLAIM - SEE NOTE ON FORM W.C.A.2).

CAERPHILLY COUNTY BOROUGH COUNCIL

WILDLIFE AND COUNTRYSIDE ACT 1981

The Wildlife and Countryside
(Definitive Maps and Statements)
Regulations 1993

PUBLIC RIGHTS OF WAY EVIDENCE FORM COMPLETED BY:

Name: R. E. C. BARNETT

4. Name or route of path: WANWE ST TO MAIN RD

5. National Grid References (ends of path):

6. Type of path: Footpath* /Bridleway* /Byway open to all traffic*. FOOT PATH

7. Do you regard the path as public (SEE NOTE 2): Yes/~~No~~

8. Is the path well defined: Yes/~~No~~

9. How long have you known the path: ALL MY LIFE 60 YEARS

10. Over what period have you used the path on foot, horseback, or motor vehicle, (state which).

ON FOOT SINCE A CHILD GOING TO SCHOOL

11. How often over the period have you used the path: FREQUENTLY

12. For what purpose did you use the path: GETTING FROM WANWE ST TO THE MAIN RD.

13. Details of any stiles, handgates, field gates, bridges, notices, direction signs, warning signs, obstructions etc.

THE LOCAL COUNCIL ACTUALLY PUT A TARMAC PATH

14. Name of Owner(s) or Tenant (s), if known:

15. Have you ever been employed by, or a tenant of, the owner of the land affected by the path: Yes/~~No~~*

16. Have you ever seen other people using the same route ie, Locals, strangers, Both. If so were they on foot, horseback in a vehicle

ALL THE LOCAL'S ON FOOT

17. Have you always followed the same route. If not when was it changed and if known by whom:

YES.

18. Did you ever seek or get permission to use the route. If so from whom:

NO.

19. Have you, or to your knowledge has anyone, been stopped or turned back:

NO.

20. Were you ever told by any owner or occupier or by their employee that the route was not public:

NO.

21. Has your use of the route ever been in exercise of some private right, such as visiting someone who lived along the route, going to your own land or property, or delivering goods:

NO.

22. Is there to your knowledge evidence to support your claim eg, Enclosure Awards, Tithe Maps, Railway Maps:

23. Is the route or any part of it enclosed between boundaries, ie hedges, fences, ditches, walls:

No.

Any further information.....

DATE:.....

SIGNATURE OF USER MAKING STATEMENT.....

SIGNATURE OF PERSON TAKING STATEMENT (ie CLAIMANT).....

(FOR USE ONLY WITH A GROUP CLAIM - SEE NOTE ON FORM W.C.A.2).

CAERPHILLY COUNTY BOROUGH COUNCIL

WILDLIFE AND COUNTRYSIDE ACT 1981

The Wildlife and Countryside
(Definitive Maps and Statements)
Regulations 1993

PUBLIC RIGHTS OF WAY EVIDENCE FORM COMPLETED BY:

Name: B. PRIGG

4. Name or route of path FROM 51 WARNE STREET ACROSS TO PARFIELD COTTAGE

5. National Grid References (ends of path) NOT KNOWN

6. Type of path: Footpath* /Bridleway* /Byway open to all traffic*

7. Do you regard the path as public (SEE NOTE 2): Yes/No yes

8. Is the path well defined: Yes/No YES

9. How long have you known the path: ALL MY LIFE WHICH IS 69 YEARS

10. Over what period have you used the path on foot, horseback, or motor vehicle, (state which)-

SINCE I STARTED SCHOOL ^{FLEURDELS} AT THE AGE OF 5 UNTIL THE PRESENT TIME

11. How often over the period have you used the path: AT LEAST TWICE A DAY

12. For what purpose did you use the path: FOR RECREATIONAL PURPOSES NOW AND ALSO TO VISIT RELATIVES IN BUTTNY TERRACE

13. Details of any stiles, handgates, field gates, bridges, notices, direction signs, warning signs, obstructions etc.

NONE

14. Name of Owner(s) or Tenant (s), if known: THIS LAND THAT THE FOOTPATH IS ON AS FAR AS I KNOW BELONGS TO THE COOPERATIVE

15. Have you ever been employed by, or a tenant of, the owner of the land affected by the path. Yes/No* no

16. Have you ever seen other people using the same route ie, Locals, strangers, Both. If so were they on foot, horseback in a vehicle

The LOCAL PEOPLE USE this constantly
it's a short cut to the school and lower part of the village

17. Have you always followed the same route. If not when was it changed and if known by whom:

Never Changed.

18. Did you ever seek or get permission to use the route. If so from whom:

Not at all

19. Have you, or to your knowledge has anyone, been stopped or turned back:

No Never

20. Were you ever told by any owner or occupier or by their employee that the route was not public:

NO NEVER

21. Has your use of the route ever been in exercise of some private right, such as visiting someone who lived along the route, going to your own land or property, or delivering goods:

No

22. Is there to your knowledge evidence to support your claim eg, Enclosure Awards, Tithe Maps, Railway Maps:

don't know

23. Is the route or any part of it enclosed between boundaries, ie hedges, fences, ditches, walls:

no

Any further information..... Yes the Land to the left of the path nearest the (New School) is being churned up by off Road motor Bikes and covering the foot path which is Tarmacked with muck and water.

DATE: 11/03/06

SIGNATURE OF USER MAKING STATEMENT..... ?

SIGNATURE OF PERSON TAKING STATEMENT (ie CLAIMANT).....
(FOR USE ONLY WITH A GROUP CLAIM - SEE NOTE ON FORM W.C.A.2).

CAERPHILLY COUNTY BOROUGH COUNCIL

WILDLIFE AND COUNTRYSIDE ACT 1981

The Wildlife and Countryside
(Definitive Maps and Statements)
Regulations 1993

PUBLIC RIGHTS OF WAY EVIDENCE FORM COMPLETED BY:

Name: MRS JRENCE JONES

4. Name or route of path S/O 51 WARNE ST. TO PADFIELD COTTAGES

5. National Grid References (ends of path).....

6. Type of path: Footpath* / ~~Bridleway*~~ / ~~Byway open to all traffic*~~.

7. Do you regard the path as public (SEE NOTE 2): Yes/ ~~No~~

8. Is the path well defined: Yes/ ~~No~~

9. How long have you known the path: 30 YEARS

10. Over what period have you used the path on foot, horseback, or motor vehicle, (state which).

FOOT

11. How often over the period have you used the path: EVERY WEEK

12. For what purpose did you use the path: WALKING DOG

13. Details of any stiles, handgates, field gates, bridges, notices, direction signs, warning signs, obstructions etc.

CARS PARKED OVER FOOTPATH.

FOOTPATH NEEDS CUTTING BACK

14. Name of Owner(s) or Tenant (s), if known: CCBC

15. Have you ever been employed by, or a tenant of, the owner of the land affected by the path: ~~Yes~~/No*

16. Have you ever seen other people using the same route ie, Locals, strangers, Both. If so were they on foot, horseback in a vehicle

LOCALS & STRANGERS ON FOOT

17. Have you always followed the same route. If not when was it changed and if known by whom:

YES

18. Did you ever seek or get permission to use the route. If so from whom:

NO

19. Have you, or to your knowledge has anyone, been stopped or turned back:

NO

20. Were you ever told by any owner or occupier or by their employee that the route was not public:

NO

21. Has your use of the route ever been in exercise of some private right, such as visiting someone who lived along the route, going to your own land or property, or delivering goods:

22. Is there to your knowledge evidence to support your claim eg, Enclosure Awards, Tithe Maps, Railway Maps:

YES

23. Is the route or any part of it enclosed between boundaries, ie hedges, fences, ditches, walls:

.....
.....

Any further information.....

.....
.....
.....

DATE:.....

SIGNATURE OF USER MAKING STATEMENT.....

SIGNATURE OF PERSON TAKING STATEMENT (ie CLAIMANT).....
(FOR USE ONLY WITH A GROUP CLAIM - SEE NOTE ON FORM W.C.A.2).

CAERPHILLY COUNTY BOROUGH COUNCIL

WILDLIFE AND COUNTRYSIDE ACT 1981

The Wildlife and Countryside
(Definitive Maps and Statements)
Regulations 1993

PUBLIC RIGHTS OF WAY EVIDENCE FORM COMPLETED BY:

Name: MR A F MATHENS

4. Name or route of path LINKING END OF WARRE ST - PADFIELD COTTAGES

5. National Grid References (ends of path).....

6. Type of path: Footpath* /Bridleway* /Byway open to all traffic*. FOOTPATH

7. Do you regard the path as public (SEE NOTE 2): Yes/No YES

8. Is the path well defined: Yes/No YES

9. How long have you known the path: FOUR YEARS

10. Over what period have you used the path on foot, horseback, or motor vehicle, (state which).
TWENTY YEARS ON FOOT

11. How often over the period have you used the path: NEARLY EVERY DAY

12. For what purpose did you use the path: GOING TO WORK - VISITING FAMILY MEMBERS

13. Details of any stiles, handgates, field gates, bridges, notices, direction signs, warning signs, obstructions etc.

OBSTRUCTIONS INCLUDE: - POORLY TENDING GRASSCO AREA - OVERHANGING BRUSHWOOD -
PATH OFTEN UNDER WATER AND NEARLY ALWAYS MUDDY

14. Name of Owner(s) or Tenant (s), if known: ?

15. Have you ever been employed by, or a tenant of, the owner of the land affected by the path: Yes/No* NO

16. Have you ever seen other people using the same route ie, Locals, strangers, Both. If so were they on foot, horseback in a vehicle

..... YES - ON FOOT
.....
.....

17. Have you always followed the same route. If not when was it changed and if known by whom:

..... YES
.....
.....

18. Did you ever seek or get permission to use the route. If so from whom:

..... No
.....
.....

19. Have you, or to your knowledge has anyone, been stopped or turned back:

..... No
.....
.....

20. Were you ever told by any owner or occupier or by their employee that the route was not public:

..... No
.....
.....

21. Has your use of the route ever been in exercise of some private right, such as visiting someone who lived along the route, going to your own land or property, or delivering goods:

..... NO
.....
.....
.....

22. Is there to your knowledge evidence to support your claim eg, Enclosure Awards, Tithe Maps, Railway Maps:

..... No
.....
.....
.....

23. Is the route or any part of it enclosed between boundaries, ie hedges, fences, ditches, walls:

.....no.....
.....

Any further information.....

.....
.....
.....

DATE: 7 March 2006.....

SIGNATURE OF USER MAKING STATEMENT.....

SIGNATURE OF PERSON TAKING STATEMENT (ie CLAIMANT).....
(FOR USE ONLY WITH A GROUP CLAIM - SEE NOTE ON FORM W.C.A.2).

CAERPHILLY COUNTY BOROUGH COUNCIL

WILDLIFE AND COUNTRYSIDE ACT 1981

The Wildlife and Countryside
(Definitive Maps and Statements)
Regulations 1993

PUBLIC RIGHTS OF WAY EVIDENCE FORM COMPLETED BY:

Name;..... A SMITH

4. Name or route of path..... BOTTOM OF WAGNEST TO THE (NEW RD) A4049

5. National Grid References (ends of path)..... A - B

6. Type of path: Footpath* / ~~Bridleway*~~ / ~~Byway open to all traffic*~~.

7. Do you regard the path as public (SEE NOTE 2): Yes/~~No~~

8. Is the path well defined: Yes/~~No~~

9. How long have you known the path:..... 65 YEARS

10. Over what period have you used the path on foot, horseback, or motor vehicle, (state which).
..... ON FOOT

11. How often over the period have you used the path:..... ON NUMEROUS OCCASIONS

12. For what purpose did you use the path:..... TO GO TO SCHOOL ALSO VISITING RELATIVES

13. Details of any stiles, handgates, field gates, bridges, notices, direction signs, warning signs, obstructions etc.
A FENCE HAS BEEN ERECTED OVER MOST OF THE PATH
ALSO CARS PARKED ACROSS SAME

14. Name of Owner(s) or Tenant (s), if known:..... M DAVIES

15. Have you ever been employed by, or a tenant of, the owner of the land affected by the path: ~~Yes~~/No*

16. Have you ever seen other people using the same route ie, Locals, strangers, Both. If so were they on foot, horseback in a vehicle

..... ON FOOT

17. Have you always followed the same route. If not when was it changed and if known by whom:

..... YES

18. Did you ever seek or get permission to use the route. If so from whom:

..... NO

19. Have you, or to your knowledge has anyone, been stopped or turned back:

..... NO

20. Were you ever told by any owner or occupier or by their employee that the route was not public:

..... NO

21. Has your use of the route ever been in exercise of some private right, such as visiting someone who lived along the route, going to your own land or property, or delivering goods:

..... YES

22. Is there to your knowledge evidence to support your claim eg, Enclosure Awards, Tithe Maps, Railway Maps:

..... YES

23. Is the route or any part of it enclosed between boundaries, ie hedges, fences, ditches, walls:

..... YES

Any further information. I WAS BORN + BRED IN WARNE ST AND
USED THE PATH TO FLEUR PRIMARY SCHOOL,
AND STILL USE IT NOW

Date: 7 SEPT 2012

(FOR USE ONLY WITH A GROUP CLAIM - SEE NOTE ON FORM W.C.A.2).

CAERPHILLY COUNTY BOROUGH COUNCIL

WILDLIFE AND COUNTRYSIDE ACT 1981

The Wildlife and Countryside
(Definitive Maps and Statements)
Regulations 1993

PUBLIC RIGHTS OF WAY EVIDENCE FORM COMPLETED BY:

Name; Bernard Price.

4. Name or route of path Crow 19.3

5. National Grid References (ends of path).....

6. Type of path: Footpath* / ~~Bridleway*~~ / ~~Byway open to all traffic*~~ FOOTPATH

7. Do you regard the path as public (SEE NOTE 2): Yes/No YES

8. Is the path well defined: Yes/No YES

9. How long have you known the path: ALL MY LIFE - 75 YEARS

10. Over what period have you used the path on foot, horseback, or motor vehicle, (state which).

I have walked over this path every day at different times

11. How often over the period have you used the path: every week

12. For what purpose did you use the path: for everyday exercise

13. Details of any stiles, handgates, field gates, bridges, notices, direction signs, warning signs, obstructions etc.

open land and as been so since I can remember and walked that way to school

14. Name of Owner(s) or Tenant (s), if known: Hv Bert Davies

Cooperative Meat Manager or owner of the Butry Slaughter House

15. Have you ever been employed by, or a tenant of, the owner of the land affected by the path: Yes/No* NO

16. Have you ever seen other people using the same route ie, Locals, strangers, Both. If so were they on foot, horseback in a vehicle

This footpath is in constant use but restrictions have been gradually imposed by the Garage owner

17. Have you always followed the same route. If not when was it changed and if known by whom:

You cannot follow the pathway ^{now} as cars are parked right across it forcing people to walk in between cars and recently a nine foot fence has cut right across the path

18. Did you ever seek or get permission to use the route. If so from whom:

no

19. Have you, or to your knowledge has anyone, been stopped or turned back:

?

20. Were you ever told by any owner or occupier or by their employee that the route was not public:

no

21. Has your use of the route ever been in exercise of some private right, such as visiting someone who lived along the route, going to your own land or property, or delivering goods:

I visit my Nephew that lives in Buttery Terrace every day.

22. Is there to your knowledge evidence to support your claim eg, Enclosure Awards, Tithe Maps, Railway Maps:

only my memories

23. Is the route or any part of it enclosed between boundaries, ie hedges, fences, ditches, walls:

.....
.....

Any further information..... after a lifetime of using
this footpath ^{as} a very young lad and now
a Senior Citizen I believe that this
injustice must not be allowed for someone des^s
Date: 6/09/2012. gain

(FOR USE ONLY WITH A GROUP CLAIM - SEE NOTE ON FORM W.C.A.2).

CAERPHILLY COUNTY BOROUGH COUNCIL

WILDLIFE AND COUNTRYSIDE ACT 1981

The Wildlife and Countryside
(Definitive Maps and Statements)
Regulations 1993

PUBLIC RIGHTS OF WAY EVIDENCE FORM COMPLETED BY:

Name:.....KENNETH.....HAMILTON.....

4. Name or route of path.....FOOTPATH WARNE ST. TO BUTT TERRACE.....

5. National Grid References (ends of path).....

6. Type of path:Footpath* /Bridleway* /Byway open to all traffic*.

7. Do you regard the path as public (SEE NOTE 2): Yes/~~No~~

8. Is the path well defined: Yes/~~No~~

9. How long have you known the path:.....63 YEARS.....

10. Over what period have you used the path on foot, horseback, or motor vehicle, (state which).

.....FOOT.....63 YEARS.....

11. How often over the period have you used the path:.....

12. For what purpose did you use the path:.....VISITING RELATIVES, DOG WALKING.....

13. Details of any stiles, handgates, field gates, bridges, notices, direction signs, warning signs, obstructions etc.

.....RECENT FENCE BUILT BY BRYN GWYN.....
.....GARAGE.....

14. Name of Owner(s) or Tenant (s), if known:.....

15. Have you ever been employed by, or a tenant of, the owner of the land affected by the path: Yes/~~No~~*

16. Have you ever seen other people using the same route ie, Locals, strangers, Both. If so were they on foot, horseback in a vehicle

..... FOOT, HORSEBACK

17. Have you always followed the same route. If not when was it changed and if known by whom:

..... YES

18. Did you ever seek or get permission to use the route. If so from whom:

..... NO

19. Have you, or to your knowledge has anyone, been stopped or turned back:

..... THERE HAS BEEN DISPUTES BETWEEN LOCALS AND GARAGE OWNER

20. Were you ever told by any owner or occupier or by their employee that the route was not public:

..... NO

21. Has your use of the route ever been in exercise of some private right, such as visiting someone who lived along the route, going to your own land or property, or delivering goods:

..... YES

22. Is there to your knowledge evidence to support your claim eg, Enclosure Awards, Tithe Maps, Railway Maps:

..... YES ORDNANCE SURVEY MAPS

23. Is the route or any part of it enclosed between boundaries, ie hedges, fences, ditches, walls:

..... *YES*

Any further information.....
.....
.....
.....

Date:.....

(FOR USE ONLY WITH A GROUP CLAIM - SEE NOTE ON FORM W.C.A.2).

The section of path concerned is part of a series of old footpaths that linked the footpaths on the Hengood side of the river with the Tynah area of Fheur-dentys to Upper Trelyn and on to Blackwood. These paths can still be used.

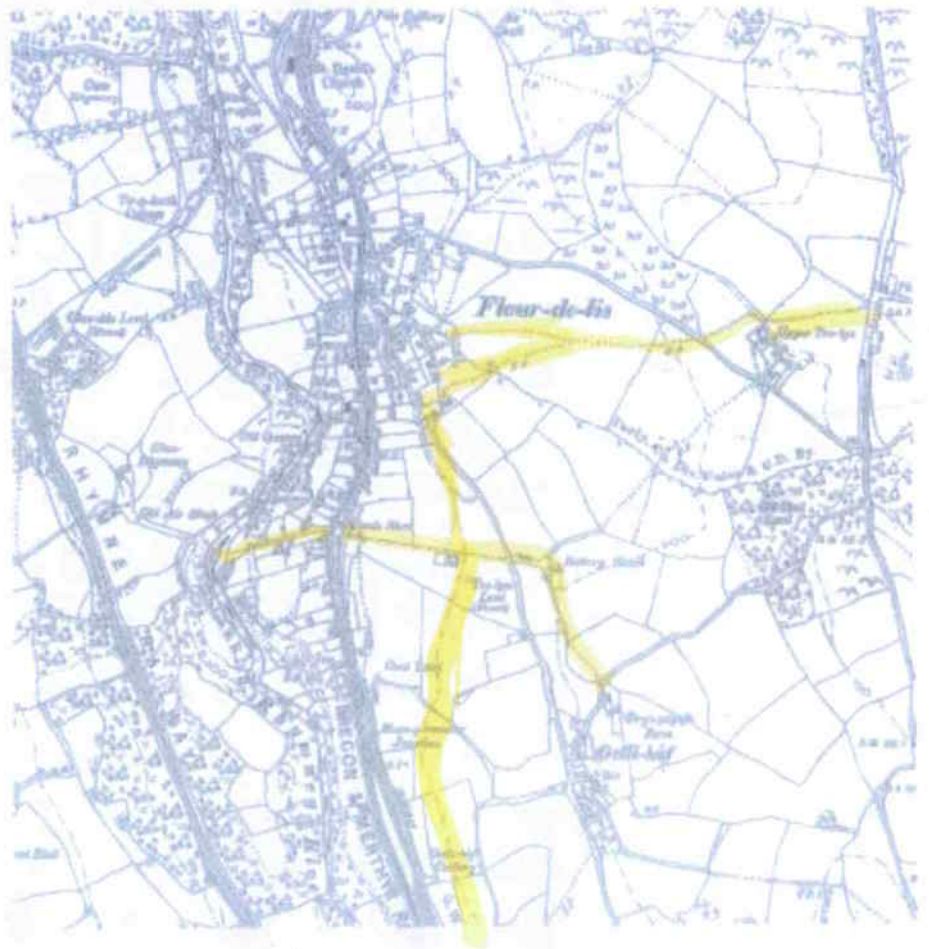
With the construction of a great many side streets at the top end of the village and the opening of Fheur-dentys school it seems the section of path altered very slightly but being a busy walkway for the school children became much wider.

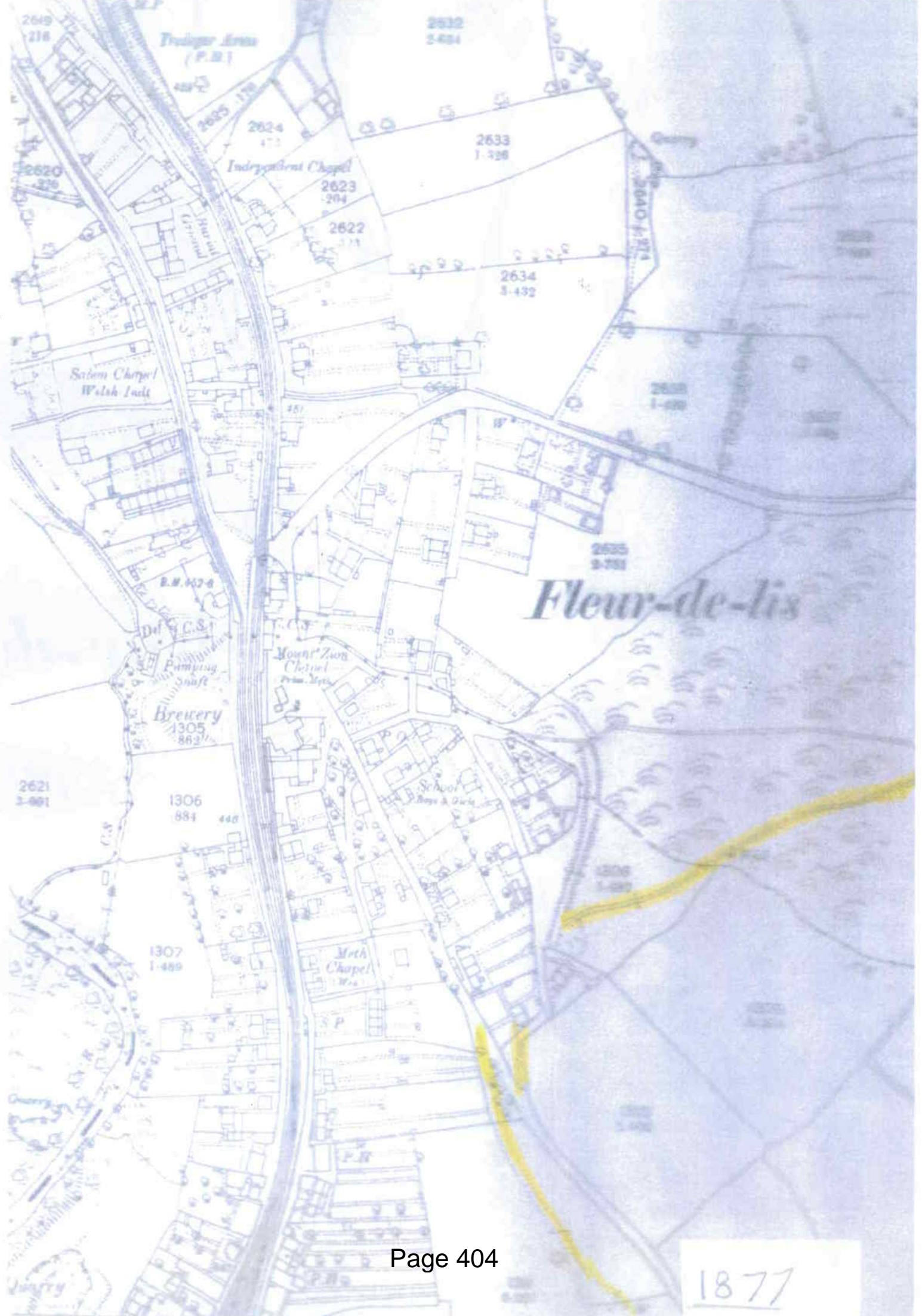
I think the garage has been discouraging walkers with the parking of cars in the footpath area and now fencing off at least half its width.

I enclose some maps showing the existence of the footpath over the years.

[REDACTED]
30th April 2012

The footpaths hi-iked are the links between the top and bottom of Fleur-de-lis and upper Trelyn and Blackwood.





Trading Area
(P.B.)

Independent Chapel

Salem Chapel
Welsh Inlet

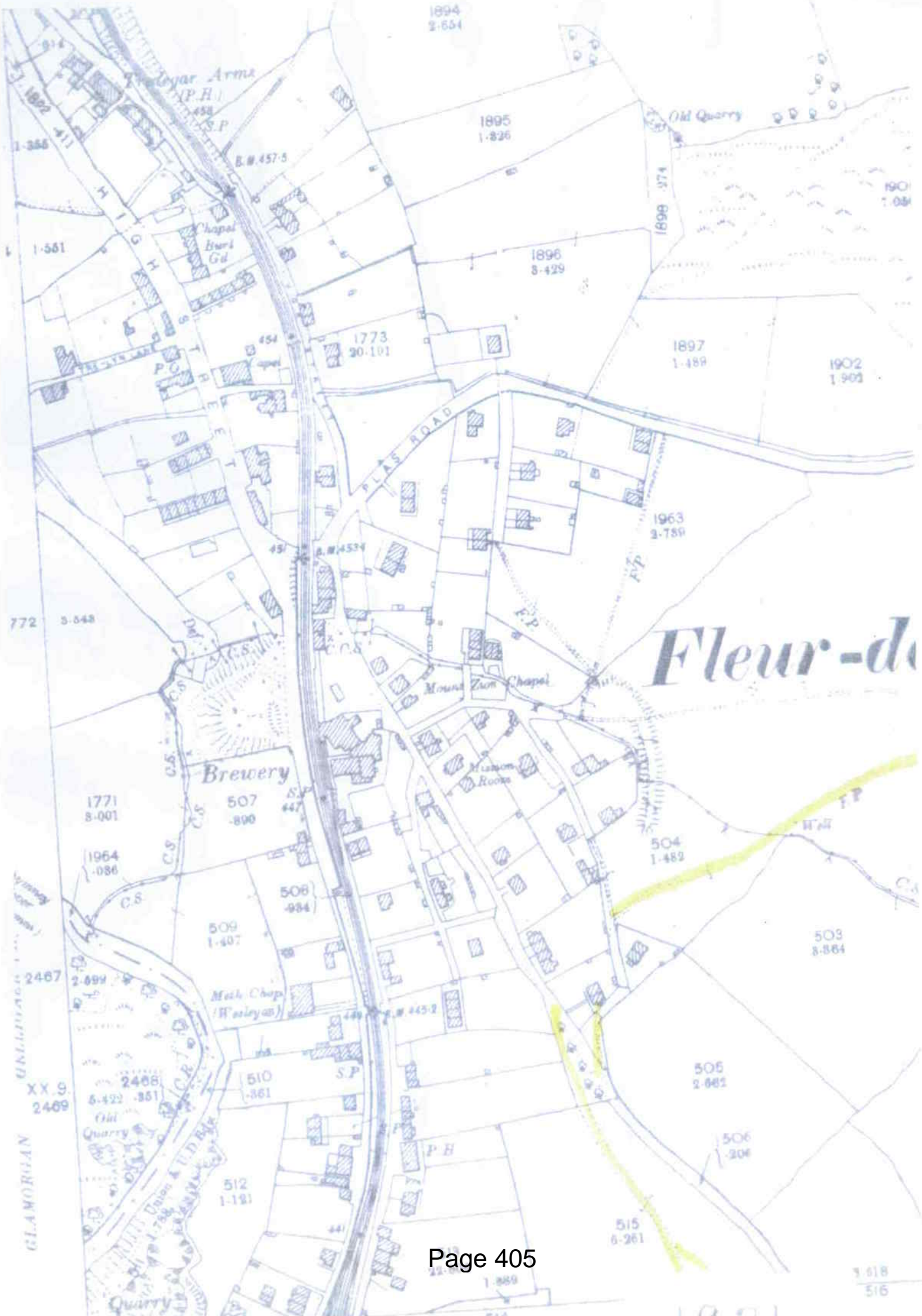
Fleur-de-lis

Brewery
1305
863

Mount Zion
Chapel
Prins. York

Meth
Chapel
Wes.

1877



1892 411
1-356
1-561
772 3-543
1771 8-001
1964 1-086
2467 2-699
XX 9 2469
GLAMORGAN

1894 2-554
1895 1-826
1896 8-429
1897 1-488
1902 1-902
1963 2-759
1773 20-101
B.M. 457-5
B.M. 453-4
B.M. 452-2
Brewery
Meat Chop (Walesyab)
Old Quarry
Quarry

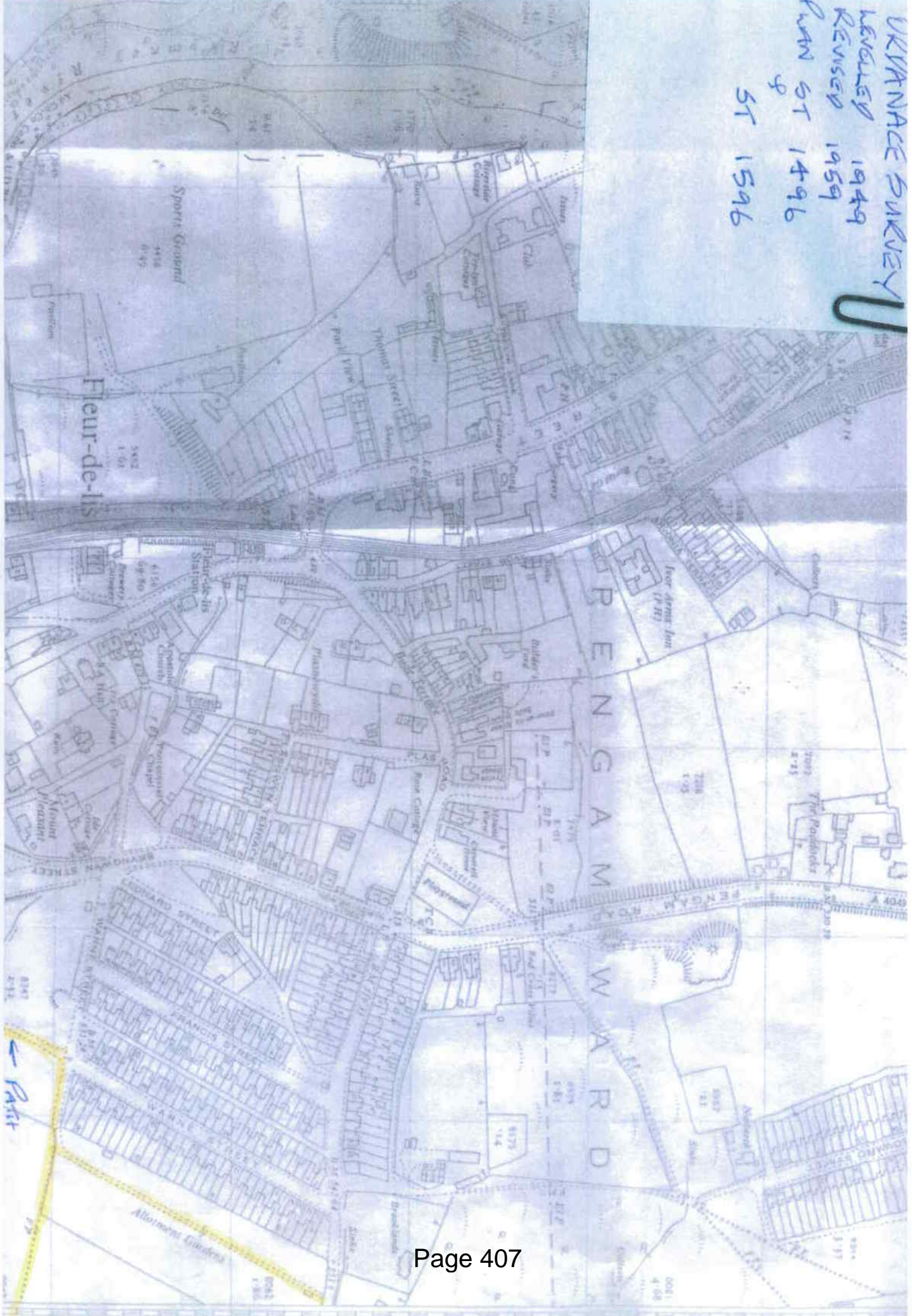
1899 274
1901 1-08
1963 2-759
507 8-900
508 9-84
509 1-407
510 8-361
512 1-121
514
PLAS ROAD
F.P.
W.H.
P.H.
S.P.
C.S.
D.W.
MOUNT ZION CHAPEL
MOUNT ZION CHURCH
MOUNT ZION ROOMS

1902 1-902
1963 2-759
504 1-482
503 8-864
506 2-682
506 2-04
515 6-261
1-889
1971
3 018
516



1920

URBANACE SURVEY
REVISED 1949
REVISED 1959
PLAN ST 1496
ST 1596



CAERPHILLY COUNTY BOROUGH COUNCIL

WILDLIFE AND COUNTRYSIDE ACT 1981

The Wildlife and Countryside
(Definitive Maps and Statements)
Regulations 1993

PUBLIC RIGHTS OF WAY EVIDENCE FORM COMPLETED BY:

Name;..... MISS N. JONES

4. Name or route of path..... 193 CROW

5. National Grid References (ends of path).....

6. Type of path:Footpath* /~~Bridleway*~~ /~~Byway open to all traffic*~~.

7. Do you regard the path as public (SEE NOTE 2): Yes/~~No~~

8. Is the path well defined: ~~Yes~~/No

9. How long have you known the path:..... 15 years

10.Over what period have you used the path on foot, horseback, or motor vehicle, (state which).

used it for the last 8 years

11.How often over the period have you used the path:..... every day

12.For what purpose did you use the path:..... School run

13.Details of any stiles, handgates, field gates, bridges, notices, direction signs, warning signs, obstructions etc.

.....
.....

14.Name of Owner(s) or Tenant (s), if known:.....

.....
.....

15.Have you ever been employed by, or a tenant of, the owner of the land affected by the path: ~~Yes~~/No*

16. Have you ever seen other people using the same route ie, Locals, strangers, Both. If so were they on foot, horseback in a vehicle

Locals on foot
.....
.....

17. Have you always followed the same route. If not when was it changed and if known by whom:

Yes
.....
.....

18. Did you ever seek or get permission to use the route. If so from whom:

No
.....
.....

19. Have you, or to your knowledge has anyone, been stopped or turned back:

No
.....
.....

20. Were you ever told by any owner or occupier or by their employee that the route was not public:

No
.....

21. Has your use of the route ever been in exercise of some private right, such as visiting someone who lived along the route, going to your own land or property, or delivering goods:

.....
.....
.....

22. Is there to your knowledge evidence to support your claim eg, Enclosure Awards, Tithe Maps, Railway Maps:

.....
.....
.....

23. Is the route or any part of it enclosed between boundaries, ie hedges, fences, ditches, walls:

.....
.....

Any further information.....
.....
.....
.....

Date:.....

(FOR USE ONLY WITH A GROUP CLAIM - SEE NOTE ON FORM W.C.A.2).

CAERPHILLY COUNTY BOROUGH COUNCIL

WILDLIFE AND COUNTRYSIDE ACT 1981

The Wildlife and Countryside
(Definitive Maps and Statements)
Regulations 1993

MR T. B WINTERS

PUBLIC RIGHTS OF WAY EVIDENCE FORM COMPLETED BY:

- Name: FOOTPATH AT SIDE OF ST WARNE ST. TO PROFFIELD COTTAGES.
4. Name or route of path: Access from Wainy St to Main Road Buttery Lane School St etc.
5. National Grid References (ends of path): Not known
6. Type of path: Footpath* /Bridleway* /Byway open to all traffic*.
7. Do you regard the path as public (SEE NOTE 2): Yes/No
8. Is the path well defined: Yes/No
9. How long have you known the path: OVER 50 YEARS
10. Over what period have you used the path on foot, horseback, or motor vehicle, (state which).
OVER 50 YEARS ON FOOT
11. How often over the period have you used the path: FREQUENTLY
12. For what purpose did you use the path: MEANS OF ACCESS TO TOP STREETS H BLACKWOOD
13. Details of any stiles, handgates, field gates, bridges, notices, direction signs, warning signs, obstructions etc.
None visible
14. Name of Owner(s) or Tenant (s), if known: CAERPHILLY CBC
15. Have you ever been employed by, or a tenant of, the owner of the land affected by the path: Yes/No*

16. Have you ever seen other people using the same route ie, Locals, strangers, Both. If so were they on foot, horseback in a vehicle

MANY PEOPLE INCLUDING LOCALS & STRANGERS - USUALLY
ON FOOT

17. Have you always followed the same route. If not when was it changed and if known by whom:

YES

18. Did you ever seek or get permission to use the route. If so from whom:

No

19. Have you, or to your knowledge has anyone, been stopped or turned back:

No.

20. Were you ever told by any owner or occupier or by their employee that the route was not public:

No

21. Has your use of the route ever been in exercise of some private right, such as visiting someone who lived along the route, going to your own land or property, or delivering goods:

No.

22. Is there to your knowledge evidence to support your claim eg, Enclosure Awards, Tithe Maps, Railway Maps:

IDENTIFIED ON MANY OS SURVEY MAPS.

23. Is the route or any part of it enclosed between boundaries, ie hedges, fences, ditches, walls:

PARTLY HEDGED ON ONE SIDE.

Any further information.....

In recent years Garage Owner puts
vehicles over footpath restricting access to members
of the public in contravention of rights of
way.

DATE:.....

2 March 2006

SIGNATURE OF USER MAKING STATEMENT.....

SIGNATURE OF PERSON TAKING STATEMENT (ie CLAIMANT).....

(FOR USE ONLY WITH A GROUP CLAIM - SEE NOTE ON FORM W.C.A.2).

**CLAIMED RIGHT OF WAY 193 - FLEUR-DE-LIS
TABLE 2: INFORMATION ON USAGE OF THE PATH**

Surname	Name	Title	No. years used path	Purpose of Use	Frequency
Winters	T.B.	Mr.	Over 50 years	Means of access to top streets and Blackwood	Frequently
Butler	P.J.	Mr.	Over 30 years	Walking with dogs	Every day
Dodd	B.	Mr.	36 years	Going to school/walking dogs	Every day
Morris	R.	Mr.	Over 40 years	Walking and back for to the bus stop from home.	2-3 times per week
Dodd	C.	Mr.	Approx. 50 years	Walking my children to school and pleasure	2 to 3 times per week
Eales	G.	Mr.	All her life	To and from work and to catch the bus	Every day
Barnett	D.M.	Ms.	Since 1942	Walking	Walking
Lucas	J.	Ms.	47 years	Short cut, to the pond and park.	Used it thousands of times
Price	D.M.	Mr.	Every day.	Walking	Every day
Kruk	A. & M.	Mr. & Mrs	77 years	Used it as a short run to catch the bus. As a child to go to fleur-de-lis School and play in the fields next to the path.	Mostly every day
Morgan	A.	Mr.	14 years	The school run.	Fives times a week
Westwood	C.	Mr.	25 years	Walking to school and bus stop.	Very often as both child and adult.
Roberts	M.J.	Mr.	70 years	When I was younger I used it with my mother to go to school at Fleur-d-e-lis Infants and to go to my grans down Terrace	Daily
Burman	B.A.	Mr.	Approx. 45 years	Walking the dog and taking the children to school.	3 to 4 times a week.
Barnett	R.C.	Mr.	60 years	Walking from Warne Street to the main road since a child going to school	Frequently
Price	B.A.	Mr.	49 years	As a child used it to go to Fleur-de-lis school. Used for recreational purposes now and also to visit relatives in Buttry Terrace	At least twice a day
Jones	I.	Mrs	30 years	Walking the dog.	Every week.
Roberts	M.J.		64 years	Walking to main road.	Every day.
Matthews	A.F.	Mr.	21 years	Known the path 40 years. Used the path to go to work and visiting family members.	Nearly every day.
Smith	G.A.	Mr.	65 years	Used to go to school and visiting family.	On numerous occasions
Price	B.	Mr.	75 years	I have walked over this path every day at different times for everyday exercise.	Every week.
Hamilton	K.	Mr.	63 years	Visiting relatives and dog walking	Very often as both child and adult.
Jones	N.	Miss	18 years	School run	Every day

INTERVIEW NOTES

CLAIMED RIGHT OF WAY NO.193 WARNE STREET TO BRYNGWYN STREET (A4049)

Mr. Thurman, Applicant (Interviewed on 11th February, 2013.)

Mr. Thurman remembers that when he was a child the claimed right of way as a road which was wide enough for vehicles to use. He recalls shows being held on this land. This was well before the garage was extended.

At the time of the interview Mr. Thurman was 68 years old and he could recall first using the claimed right of way when he started school - he used to use the claimed right of way to join Buttry Terrace to the school.

The surface of the path is well defined and he could recall the path being tarmaced by Paddy Walker, who was a contractor working for the Authority. The contractor did top of the Street to Fairview. This was done at the same time as spur to Bryngwyn and Edward Street when he was going to school approximately 30 years ago.

He could remember the footpath being a 1 metre wide tarmac footpath when it was done approximately 60 years ago. The path went to the side of the garage and came out by the lamp post.

The ground was rented out by a local farmer before extension of the garage. Bernard Price would be aware of this.

The claimed right of way is approximately 1m in width.

His primary use of the claimed right of way as a child was to use it to go school. As an adult he has used it to walk the dog and catching the bus. He recalled having a problem when using the path while taking his grand daughter to school where one of the cars was reversing at the Service Station and it nearly went into them.

He uses the claimed right of way practically every day but in the winter months it is difficult to use as it gets muddy.

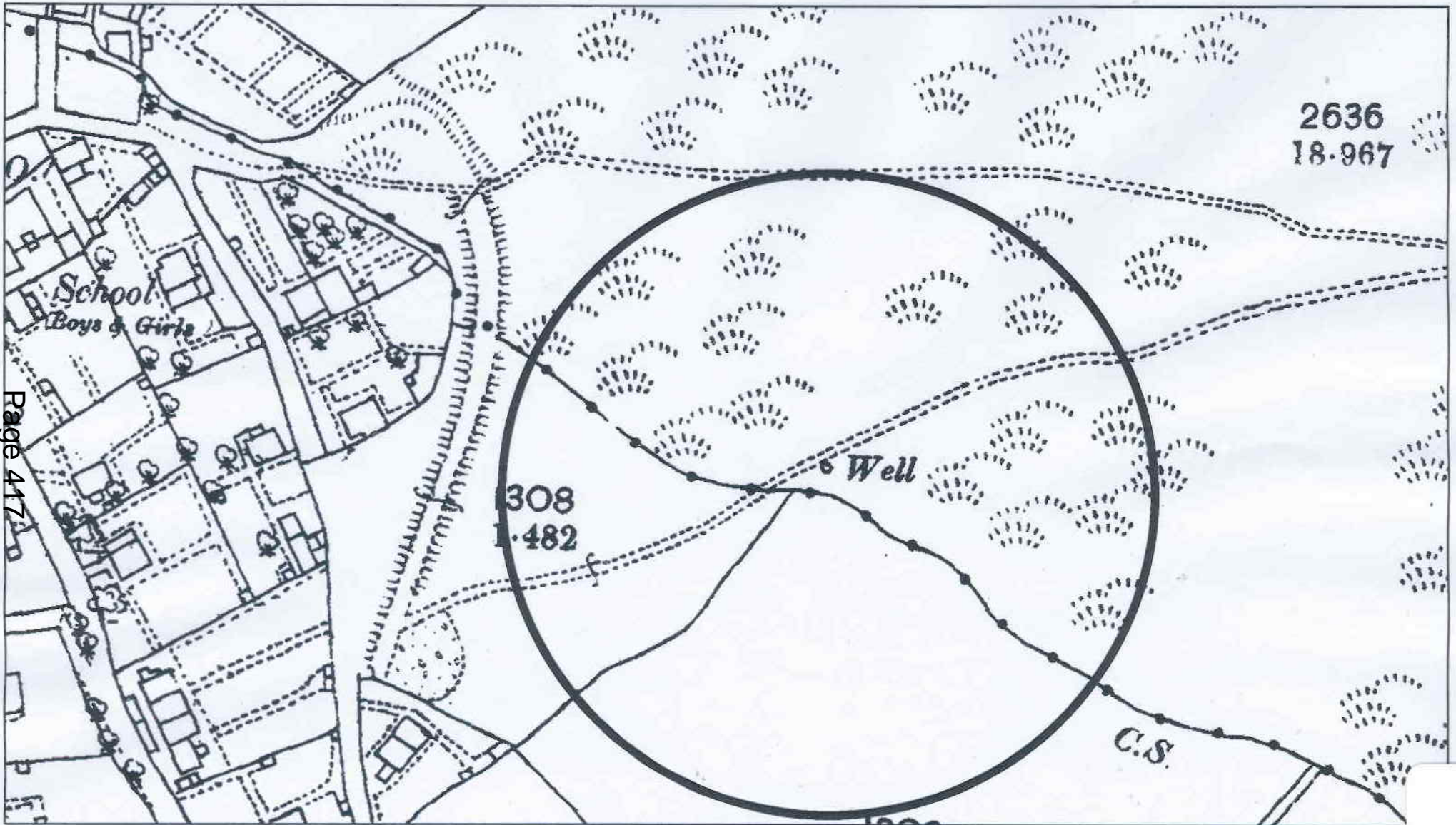
The garage owner has erected a gate and fence line which obstructs the line of the claimed right of way and if the gate is open it blocks access around it.

He confirmed that there were no notices on site stating the path was private.

Over the years he has seen many local residents using the claimed right of way to walk their dogs and generally walking back and fore. He always used the same route until cars and fence obstructed the line.

The condition of the footpath has deteriorated over the years and is now mud and stone where it once was tarmac.

CLAIMED RIGHT OF WAY 193 - FLEUR-DE-LIS - HISTORICAL MAPPING 1873-1888

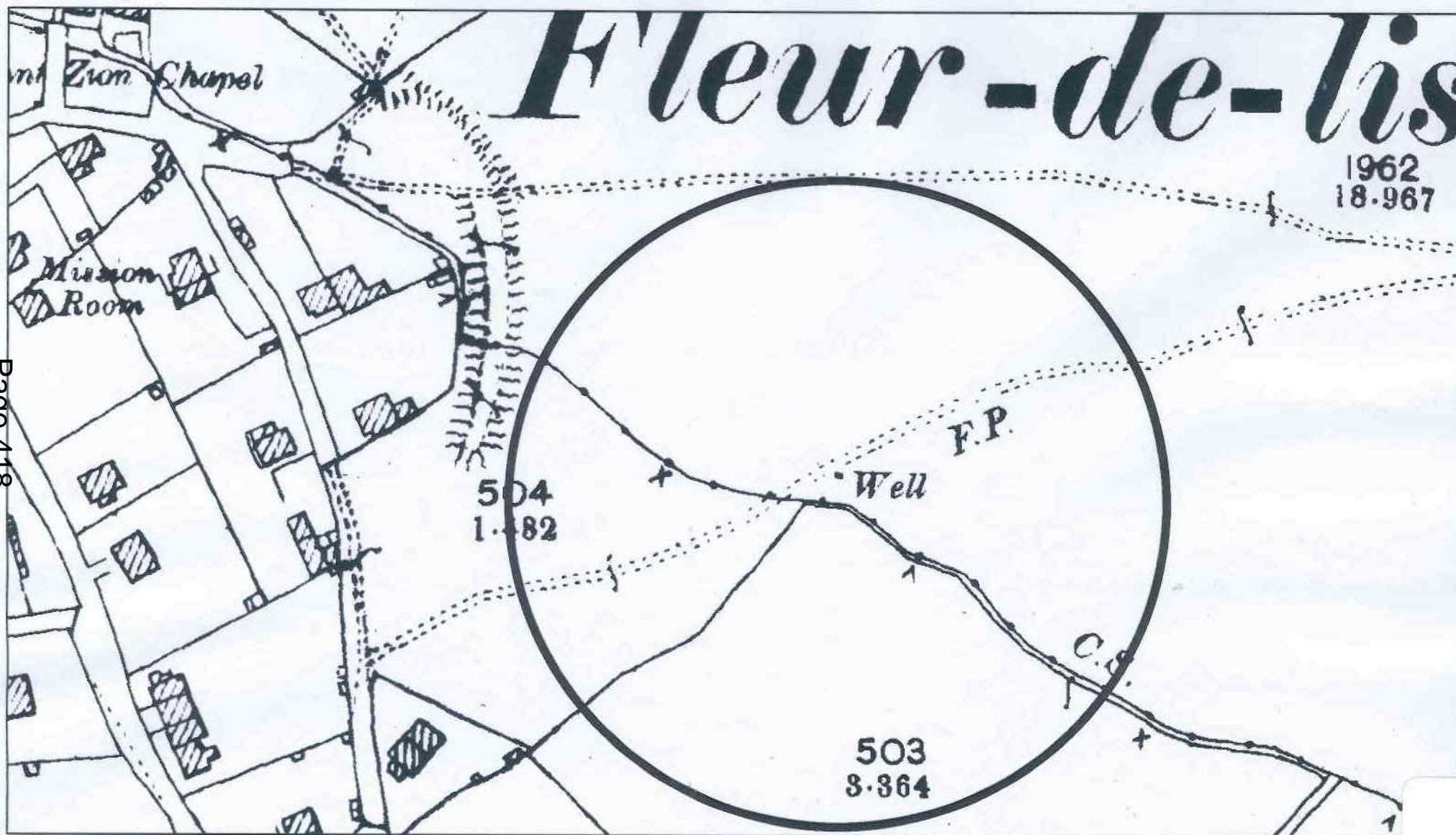


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Document
No. 10

CLAIMED RIGHT OF WAY 193 - FLEUR-DE-LIS - HISTORICAL MAPPING 1900 - 1904

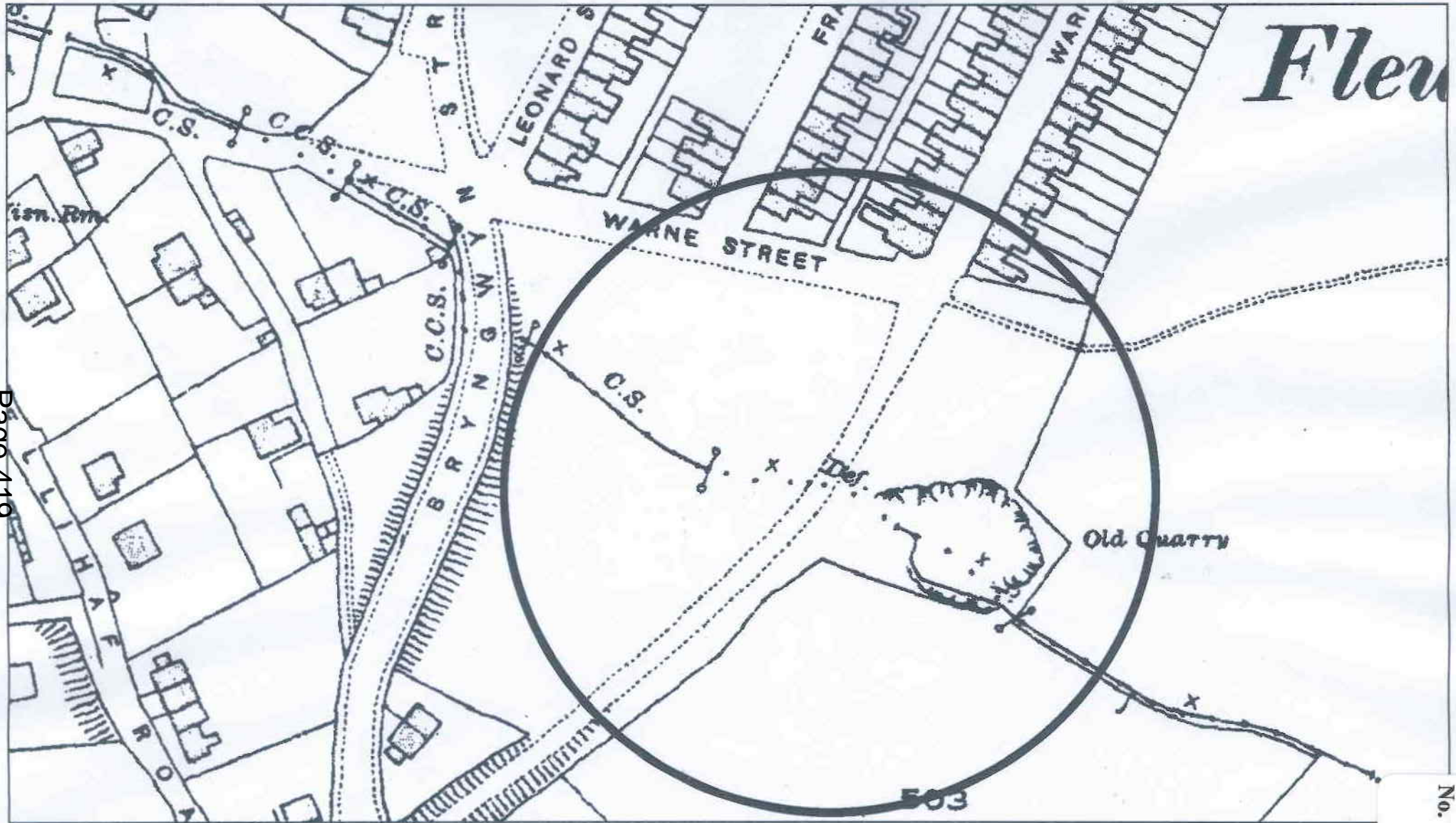


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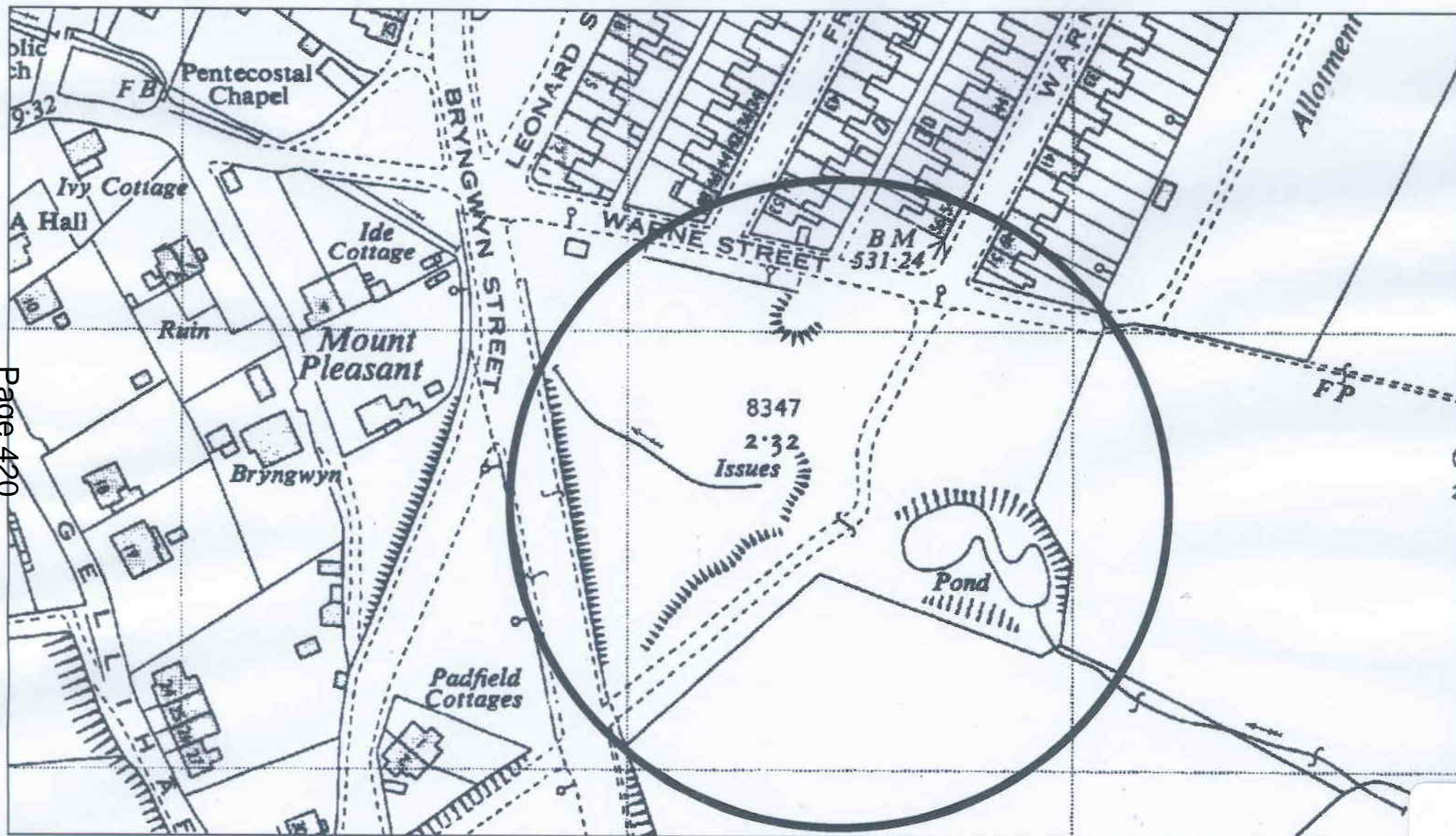
Document
No. 11

CLAIMED RIGHT OF WAY 193 - FLEUR-DE-LIS - HISTORICAL MAPPING 1919 - 1921



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CLAIMED RIGHT OF WAY 193 - FLEUR-DE-LIS - HISTORICAL MAPPING 1959 - 1973

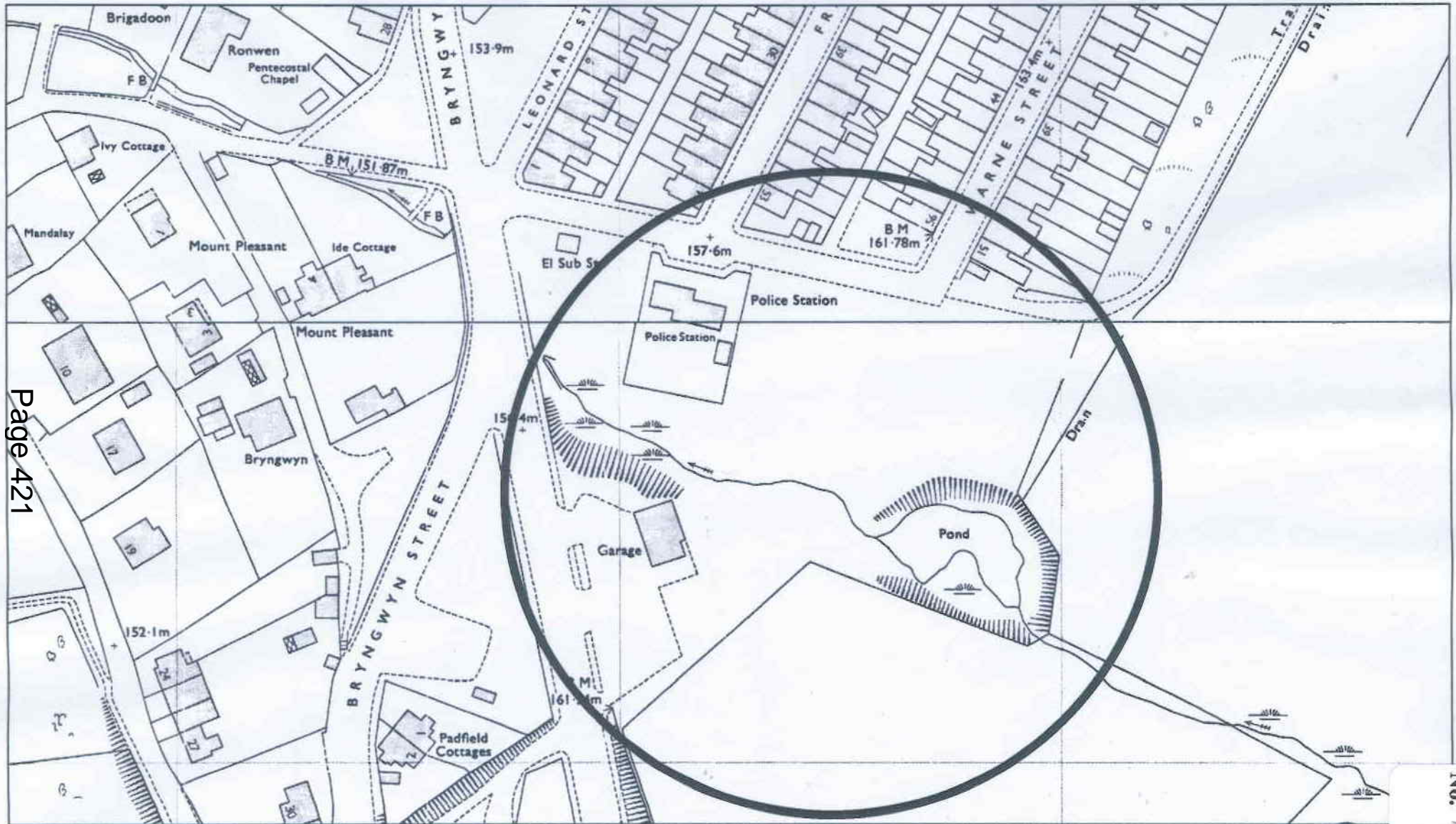


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Document No. 13

CLAIMED RIGHT OF WAY 193 - FLEUR-DE-LIS - HISTORICAL MAPPING 1959 - 1992

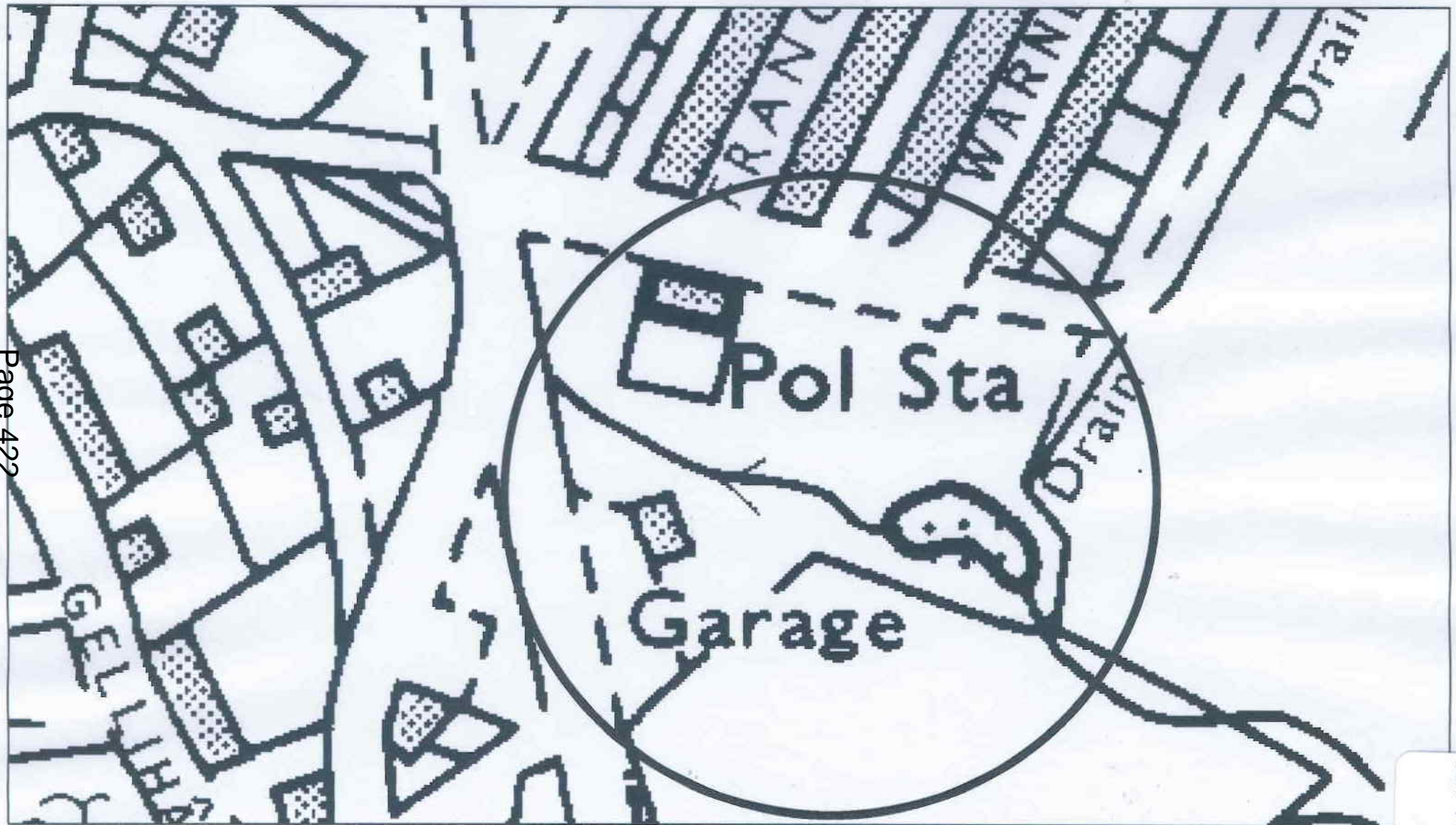


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Document No. 14

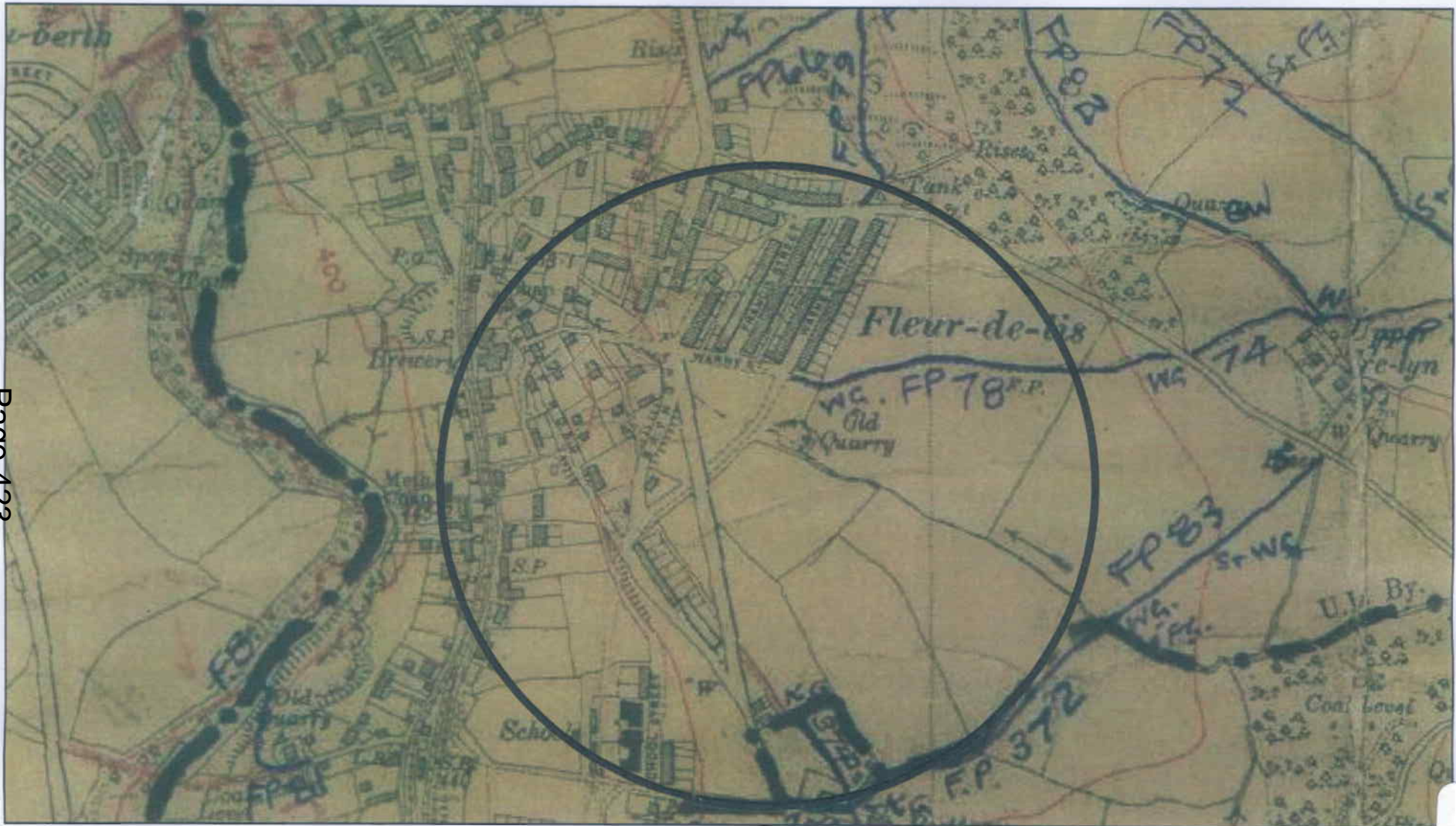
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CLAIMED RIGHT OF WAY 193 - FLEUR-DE-LIS - HISTORICAL MAPPING 1971 - 1992



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CLAIMED RIGHT OF WAY 193 - DRAFT MAP

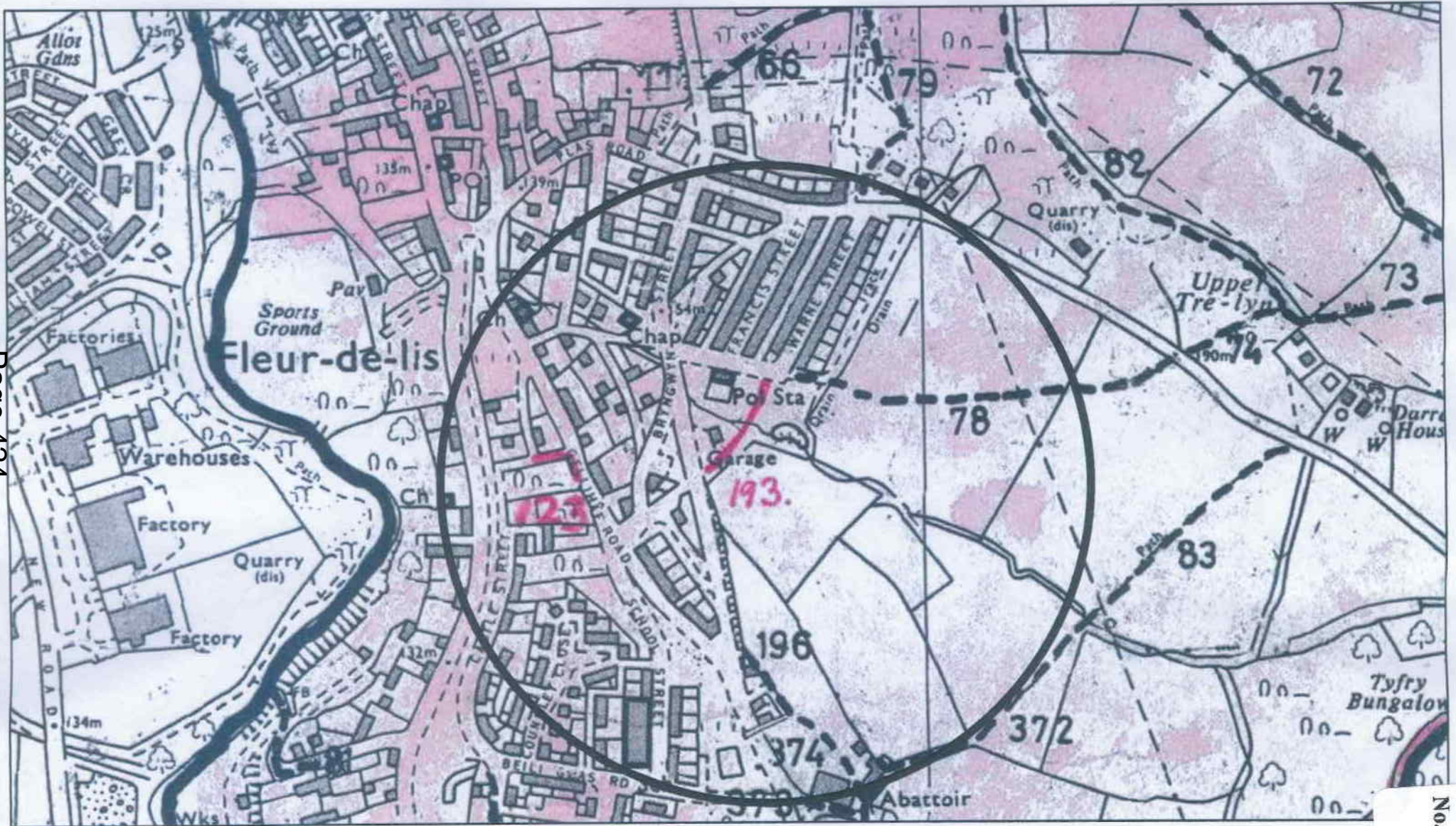


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Document
No. 1b

CLAIMED RIGHT OF WAY 193 - DEFINITIVE MAP



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Document
 No. 17

CLAIMED RIGHT OF WAY 193 - FLEUR-DE-LIS - AERIAL PHOTO 1940



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Document
No. 18

CLAIMED RIGHT OF WAY 193 - FLEUR-DE-LIS - AERIAL PHOTO 1991



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Document
No. 19

CLAIMED RIGHT OF WAY 193 - FLEUR-DE-LIS - AERIAL PHOTO 2001



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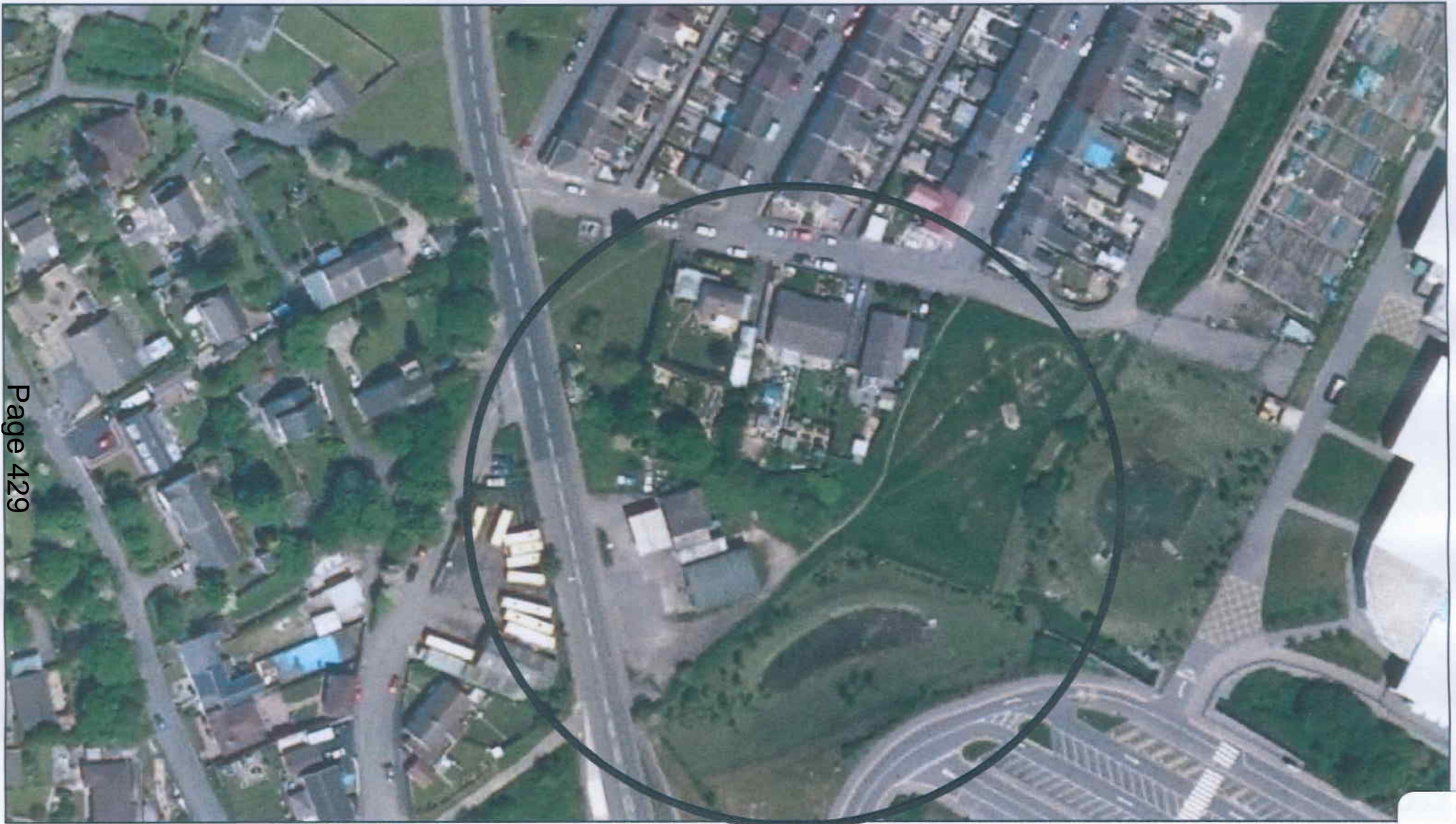
CLAIMED RIGHT OF WAY 193 - FLEUR-DE-LIS - AERIAL PHOTO 2004-2005



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Document
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Document
No. 24

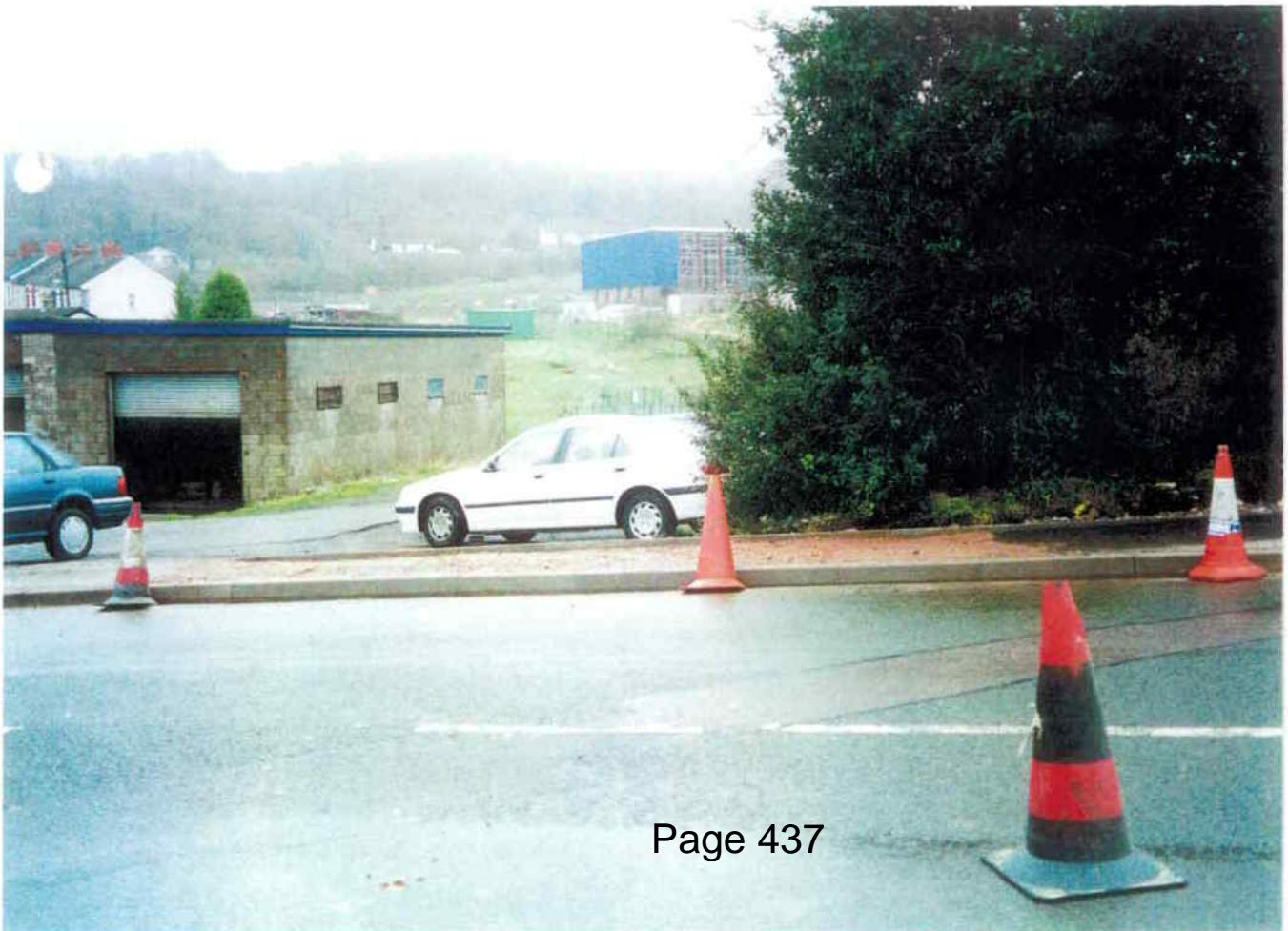


















CLAIMED RIGHT OF WAY 193 – PHOTOS TAKEN 14-9-16





Page 442

0 5 10 15 20 25 30 35 40 50m

Map scale 1:1

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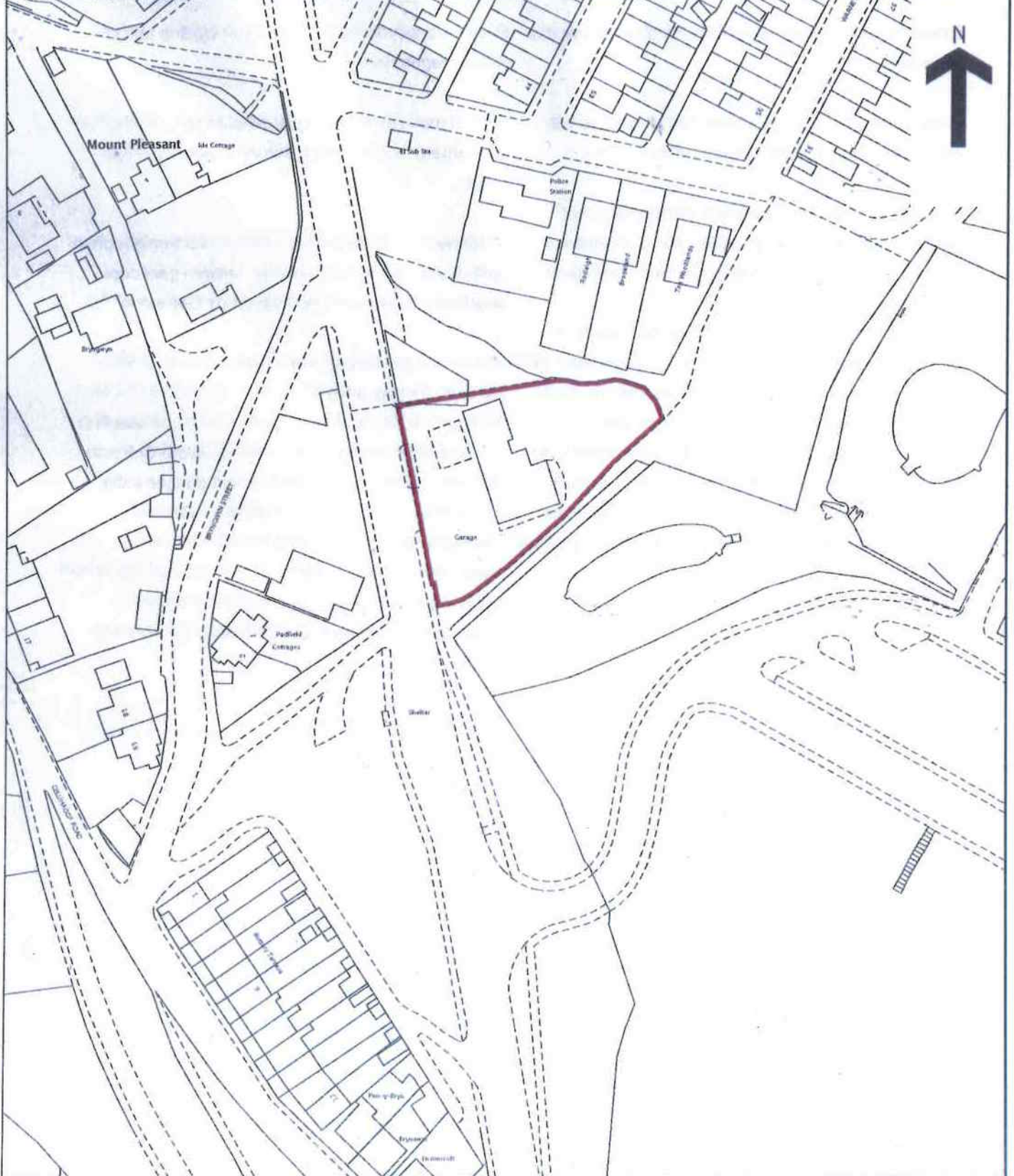
Document No. 28

Land Registry
Official copy of
title plan

Title number **CYM607041**
Ordnance Survey map reference **ST1596SE**
Scale **1:1250 enlarged from 1:2500**
Administrative area **Caerphilly / Caerffili**



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These are the notes referred to on the following official copy

Dyma'r nodiadau y cyfeirir atynt ar y copi swyddogol canlynol.

The electronic official copy of the title plan follows this message.

Mae'r copi swyddogol electronig o'r cynllun teitl yn dilyn y neges hon.

Please note that this is the only official copy we will issue. We will not issue a paper official copy.

Sylwch mai dyma'r unig gopi swyddogol y byddwn yn ei ddarparu. Ni fyddwn yn darparu copi swyddogol papur.

This official copy was delivered electronically and when printed will not be to scale. You can obtain a paper official copy by ordering one from Land Registry.

Anfonwyd y copi swyddogol hwn yn electronig a phan gaiff ei argraffu ni fydd i raddfa. Gallwch gael copi swyddogol papur trwy archebu un o'r Gofrestrfa Tir.

This official copy is issued on 12 September 2016 shows the state of this title plan on 12 September 2016 at 12:59:23. It is admissible in evidence to the same extent as the original (s.67 Land Registration Act 2002). This title plan shows the general position, not the exact line, of the boundaries. It may be subject to distortions in scale. Measurements scaled from this plan may not match measurements between the same points on the ground.

Mae'r copi swyddogol hwn a gyhoeddir ar 12 Medi 2016 yn dangos sefyllfa'r cynllun teitl hwn ar 12 Medi 2016 am 12:59:23. Mae'n dderbyniol fel tystiolaeth i'r un graddau â'r gwreiddiol (adran 67 Deddf Cofrestru Tir 2002). Mae'r cynllun teitl hwn yn dangos safle cyffredinol, nid union linell, y terfynau. Gall fod gwyradau yn y raddfa. Mae'n bosibl na fydd mesuriadau wedi eu graddio o'r cynllun hwn yn cyfateb â mesuriadau rhwng yr un pwyntiau ar y llawr. Gweinyddir y teitl hwn gan Gofrestrfa Tir, swyddfa Cymru.

This title is dealt with by the Land Registry, Wales Office .



RIGHTS OF WAY CABINET – 1ST DECEMBER, 2016

SUBJECT: APPLICATION FOR A MODIFICATION ORDER TO AMEND THE MONTHMOUTHSHIRE COUNTY COUNCIL DEFINITIVE MAP AND STATEMENT OF PUBLIC RIGHTS OF WAY IN RESPECT OF ADDING A PATH IN THE COMMUNITY OF ABERCARN

REPORT BY: CHIEF EXECUTIVE OFFICER

1. PURPOSE OF REPORT

- 1.1 To consider and determine an application to ADD a path to the Definitive Map and Statement in the Community of Abercarn.

2. SUMMARY

- 2.1 The report sets out the evidence regarding the application to ADD a footpath from Gilboa Road to New Bryngwyn Road, Newbridge to the Definitive Map and Statement which is not objected to by the landowners.
- 2.2 The Authority is under a duty to resolve applications received under the Wildlife and Countryside Act 1981 even if they have been received prior to Local Government Reorganisation as in this instance. The Authority is currently working through the backlog of applications.

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 The Rights of Way Improvement Plan has committed the Council to keeping the definitive map and statement under continuous review.
- 3.3 The Well-being of Future Generations (Wales) Act became law in April 2015. The Act is about improving the social, economic, environmental and cultural well-being of Wales. It requires the Authority to closely consider the long term aim to work better with people and communities and each other, look to prevent problems and take a more joined-up approach in our actions.
- 3.4 Links can be made to all seven of the Well Being Goals however of these four are probably relevant, these being:-
- A resilient Wales
 - A healthier Wales
 - A Wales of cohesive communities
 - A globally responsible Wales

Links can be made to include the other three Well Being Goals within the Rights of Way improvement Plan and the Countryside Strategy:-

- A prosperous Wales
- A more equal Wales
- A Wales of vibrant culture and thriving Welsh language:-

In addition to the Well Being of Future Generations Act the Rights of Way network has significant links to a wide range of other Acts and Strategies notably the Countryside and Rights of Way Act 2000, the Countryside Rights of Way improvement Plan (2007), the Caerphilly Countryside Strategy and emerging Caerphilly Active Travel Plan. The network and usage of the network has links to various social, economic and environmental strategies.

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 ADD a path to the definitive map and statement. Document No. 1 gives an explanation of the term “public rights of way” and the role of this Committee.

The application for a claimed right of way leading from Gilboa Road to New Bryngwyn Road, Newbridge, is being dealt with under the Wildlife and Countryside Act 1981, Section 53(3)(c)(i).

4.2 Introduction

- 4.2.1 An application was received under Section 53(3)(c)(i) of the Wildlife and Countryside Act 1981 by the former Gwent County Council from Mr. R.S. Medcraft to modify the Definitive Map and Statement of the Monmouthshire County Council by ADDING a footpath leading from Gilboa Road to New Bryngwyn Road, Newbridge. The date when the right of way first came into question was on the 16th September, 1993, when the application was submitted.
- 4.2.2 The location of the claimed right of way is shown on Document No. 2 within the circled area. This has been reproduced from the ordnance survey mapping by use of the Authority's Geographical Information System.
- 4.2.3 The route of the claimed path can be located in Document No.3 along a bold broken red line shown as A-B. The application W.C.A.5 was received by the Authority on 16th September, 1993. (Document No. 4)
- 4.2.4 The Claimed Right of Way commences opposite No. 6 Gilboa Road alongside a field gate and proceeds in a south easterly direction and terminates at the side of No. 1 New Bryngwyn Road, Newbridge. The total length of the claimed path is 155 metres with a width of 1.8 metres.
- 4.2.5 The applicant notified the Authority, by submitting Notice W.C.A.7, (Document No. 5) that he had served notice on the landowners, The Trustees of Llanover Estate, c/o R.E. Phillips & Davies, 23a Gold Tops, Newport, who owned the first section of land. The landowner was unknown for the remaining section so notices were displayed on site for a four week period from 16th December, 1993.
- 4.2.6 The claim is supported by twenty (20) User Evidence Forms which have been completed by the residents of Fields Park, Newbridge, who claim to have used the route on a regular basis. (Document No. 6)

4.2.7 Research has been undertaken to determine the validity of the claim by collating any Documentary Evidence available as well as the crucial User Evidence provided by the local residents.

4.3 User Evidence

4.3.1 The former Gwent County Council received 20 submitted User Evidence Forms (W.C.A.8), all of which have been completed by people who claim to have used the route regularly. At the time of the application all had used the path as a public footpath without interference for a period varying between 8 and 65 years, although some were not able to use it due to tipping and overgrowth in the year before the application was submitted.

4.3.2 In order to ensure that all landowners had been notified of the application to add the footpath to the Definitive Map and Statement notices were placed by the former Gwent County Council on the section of footpath south of Llanover Estate's land for one month. These were maintained for a period of one month. No response was received.

4.3.3 The former Gwent County Council undertook initial investigations. The users were asked for information on any structures on the footpath and identified that a stile had been installed in the fence line at the beginning of the footpath, next to the locked field gate and that it had no step and another stile was located in the boundary fence line between Llanover Estate's land and the unknown landowner. The users stated that they used the footpath regularly as a short cut, no-one had prevented them using the footpath, no signs identified it as private and no-one was challenged using the footpath.

4.3.4 The former Gwent County Council consulted interested parties and Llanover Estate. Llanover Estate had no objection to the footpath being added to the Definitive Map and Statement; the Gwent RA Footpath Secretary supported the application and the former Islwyn Borough Council had no objection to the footpath being added to the Definitive Map and Statement.

4.3.5 However, no further action was taken and the file was passed to Caerphilly County Council in 1996 upon Reorganisation.

4.3.6 When planning permission was sought for the residential development on New Bryngwyn Road in 2006 the developers did not include the claimed right of way within their boundary of ownership. However, following complaints from a local dog walker that the path was obstructed contact was made with Barratt South Wales, the developers, who agreed to leave sufficient room for the claimed footpath. This section of footpath has been maintained on a regular basis by one of the local residents.

4.3.7 Due to the length of time taken to investigate this particular application only nine who completed the evidence user forms are still living in the area (this includes the applicant). Copies of the evidence user forms are attached to this report as Documents 6). The evidence forms have been studied and the Council's CROW Support Officer, Mrs. J.E. Piper, has interviewed the applicant and sent letters to the remainder users who submitted the forms requesting a meeting. Unfortunately only one person responded.

4.3.8 The applicant, Mr. Medcraft (Document No. 6), was interviewed on 10th March, 2015. Mr. Medcraft used the footpath as a short cut and when it started getting overgrown he used to cut back the brambles to keep the footpath open. He recalled that local residents started tipping material on the site so Llanover Estates decided to install a field gate to prevent this. Access to the footpath was still available as an old stile had been in place before the gate was erected.

4.3.9 Mr. Medcraft became aware of the footpath from living in the vicinity and confirmed that there were no signs stating it was private. There was also a stile located at the point of change over of landownership. Many people used the footpath as it was a lot easier than walking up the hill. Unfortunately over the years it became too overgrown for him to maintain access. He has spoken to several local residents who said they would welcome this footpath being made

available as there are no buses to Fields Park. It would be of benefit to parents with young children and the elderly providing a safe off road short cut. There is only a short section of footway from New Bryngwyn Road to Gilboa Road so the claimed route would provide a good safe off road route for residents and visitors.

- 4.3.10 One of the users who no longer lives at the address stated that when the Fields Park Football Club was built the waste from the site was tipped over the top of the footpath which meant users had to climb the steep banking which had got more difficult each year due to the rain and wear making it deeper and harder to climb.
- 4.3.11 Mr. Darrell Meredith e-mailed regarding the reopening of the footpath and confirmed that he had previously used the footpath but has not done so for several years due to over-development of some new build properties adjoining the path. He also mentioned that the reopening of this path may minimise the amount of irresponsible dog walkers who use Fields Park football pitch as a dog toilet.
- 4.3.12 Mrs. Margaret Lewis who lives at No. 4 The Villas confirmed that she had lots of memories walking the footpath from New Bryngwyn Road to Gilboa Road and wishes to see the footpath repaired and put back to good use again.
- 4.3.13 Mr. and Mrs. Price who live at No. 2 The Villas confirm that they also have lots of memories walking the footpath and wish to see the footpath repaired and put back to good use again. They moved to their current property in June 1996. Mr. Price used the path for a few years and the stile was still there when he moved in. The Water Board did some work in the area and the stile was never replaced
- He could recall there was someone who rented the ground and put up a polytunnel on the ground.
- He confirmed that if the footpath were to be cleared the Newbridge UA would definitely use it as part of their walks.
- 4.3.14 Mrs. Hitchman who lives at 6 The Villas phoned to say she was not keen to see the footpath cleared as she stated that there had been anti-social behaviour on the footpath in the past.
- 4.3.15 Detailed in Table 1 are the list of users with the dates and the amount of time they had used the footpath up to the date of the application. (Document No. 7)
- 4.3.16 The writer also recalls using this footpath as a short when she kept her horse in Fields Park. This would have been in 1972-1973. She used to catch the bus and get off just above the turning to New Bryngwyn Road and walk along to the garage. Just past the garage was a footpath which went up through the trees and came out on Gilboa Road. It was quite a good short cut and saved walking up the steep hill of Gilboa Road.

4.4 **Documentary Evidence**

- 4.4.1 The documentary evidence studied in conjunction with the User Evidence is outlined below. During the investigation of a claimed route a near match to the claimed footpath was looked for on all the maps listed below.

Historical Map dated 1959-1973 (Document No. 8)

Within the circled area there is an indication of a footpath along the claimed route and it is identified as FP. There is a land parcel line where the land changes from woodland and this is where users mention a stile was in place. The footpath continues to the side of No. 1 New Bryngwyn Road.

Historical Map dated 1959-1992 (Document No. 9)

Again within the circled area there is an indication of a footpath along the claimed route which is identified as FP. Again the different land parcel can be seen where the land ownership changes. The footpath can be clearly seen at the side of No. 1 New Bryngwyn Road and at the side of the garage.

Definitive Map (Document No. 10)

Within the circled area the claimed right of way is identified with a red line. This was marked on the Definitive Map following the receipt of the application being made in 1993. The red line follows the indication on the map of a footpath which is identified as FP.

4.5 Land Ownership

4.5.1 As mentioned previously Llanover Estate own the land where the footpath commences at Gilboa Road but no known landowner has been identified for the remainder of the land.

4.6 Summary

4.6.1 The Authority is using Section 53 (3) (c) (i) of the Wildlife and Countryside Act as the main test of whether or not the claimed right of way should be added to the definitive Map and Statement. This is used when the Authority discovers evidence which (when considered with all other relevant evidence available to them) shows that a right of way which is not shown in the map and statement subsists or is reasonably alleged to subsist over land in the area to which the map relates, being a right of way such that the land over which the right subsists is a public path. However, the Authority is not precluded from also taking into consideration a claimed based on 20 years uninterrupted use. The right must be reasonably alleged to exist.

4.6.2 The Authority has been made aware that evidence exists which suggests that the claimed right of way is a public right of way and has been used as such for many years. The Authority has received an application to add a footpath to the Definitive Map and Statement. Evidence has been submitted that the route has been used by local residents as a short cut for a considerable number of years. Local residents have stated that there has been no notices stating that the footpath is private but the footpath has become overgrown and they have been unable to use it.

4.6.3 Llanover Estate, who own land over which a section of the claimed right of way crosses, are agreeable to the footpath being added to the Definitive Map and Statement.

4.6.4 As detailed in Document 1 the evidence submitted needs to show that the footpath has been used for a period of 20 years without interruption and as a right. The date the footpath first came into question is 16th September, 1993 and therefore the 20 year period commences from September 1973. The applicant and supporters state that the footpath has been used without interference for a period varying between 8 and 65 years.

5.0 WELL-BEING OF FUTURE GENERATIONS

5.1 This report contributes to the Well Being Goals as set out in Section 3 earlier.

5.2 The Act not only identifies goals but advocates five ways of working to ensure that the objectives and sustainability are met and this report has been prepared with that in mind.

5.3 Whilst the Public Rights of Way network contributes to all seven Well Being Goals in part the most pertinent four are:-

1. A Resilient Wales

The network extends to over 500 miles and many of these routes have been in place prior to the use of motor vehicles. As such they are often the easiest and most direct routes of access between points. This encourages their use and has benefits in addressing long term issues including health, climate change and poverty all of which assist in making an adaptable

but resilient county borough.

2. A Healthier Wales

Usage of the network, be it for recreation or daily business has significant benefits for a physical and mental health and helps address a number of significant health concerns within the county borough notably obesity, cardio vascular and diabetes which are probably problematic in CCBC. Usage of the network is increasing year on year.

3. A Wales of Cohesive Communities

The network links communities and facilities with each other and is usable by the vast majority of residents. A comprehensive and integrated network provides a fully functional and usable access system that benefits all and allows communities to function both directly e.g. ability to access services and individually e.g. through helping prevent or overcome underlying problems such as health and sustainable transport.

4. A Globally Responsible Wales

The carbon impact of the rights of way network is minimal and promotes sustainable transport on a number of counts. Increased local usage has a global effect in terms of slowing climate change and its impacts.

- 5.4 The provision of access helps meet both short and longer term needs and objectives without prejudicing the viability of the network for future generations. Rights of Way and access are fundamental to the daily life of most people and as such the network integrates and is necessary to meet many objectives of the Authority. The designation process, for rights of way, has involved extensive consultation with communities, groups and individuals and collaboration takes place with other interested parties in terms of the management and maintenance of the network. Formal consultation forms part of these processes, including this report.

6.0 EQUALITIES IMPLICATIONS

- 6.1 An Equalities Impact Assessment is not needed because the issues covered are for information purposes only, therefore the Council's full EIA process does not need to be applied.

7.0 FINANCIAL IMPLICATIONS

- 7.1 The cost of an order should Members resolve to support the application, is in the region of £1,800.00. If it is agreed to add the footpaths to the Definitive Map and Statement the cost of the order and the cost of opening of the footpaths would be the responsibility of this Authority. Whatever Members' decision, should representations be received this may result in a public inquiry. This cost may exceed £10,000.

8.0 PERSONNEL IMPLICATIONS

- 8.1 None.

9.0 CONSULTATIONS

- 9.1 For List of Consultees see Appendix 1.
- 9.2 The Ward Members, Cllrs. Ackerman, Baker and Johnson all support the application to add this footpath to the Definitive Map and Statement.

9.3 Mr and Mrs. Price who live in The Villas, Gilboa Road, e-mailed to support the application. As residents of Gilboa Road, which does not have a pavement outside their gates, they state that the opening of the path would greatly assist the residents of Fields Park, Edwards Terrace and also Gilboa Road. The path would provide a much safer passage which would cut out the hill and busy traffic. They belong to the Newbridge U3A Group which has two walking groups and they are sure they would use the footpath as part of one of their walks from time to time.

10.0 RECOMMENDATIONS

10.1 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 paths be registered
- ii) Rejecting the claim

11.0 REASONS FOR THE RECOMMENDATIONS

11.1 To comply with its duty to keep the definitive map and statement under continuous review

12.0 STATUTORY POWER

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

Author: Mrs. June E. Piper, CROW Support Officer.

Consultees: See Appendix 1

List of Documents

1. Description of Rights of Way Document No. 1
2. Location Plan Document No. 2
3. Plan showing claimed right of way Document No. 3
4. Form WCA6 served on landowner Document No. 4
5. Application Form WCA5 submitted by Mr. Metcalfe Document No. 5
6. Evidence User Forms Document Numbered 6
7. Table 1 – Details of users Document No. 7
8. Historical Map dated 1959-1973 Document No. 8
9. Historical Mapping 1959- 1992 Document No. 9
10. Definitive Map Document No. 10.

ETP/ROW/CROW 90 held at Tredomen House.

APPENDIX 1

LIST OF CONSULTEES

Draft report sent to the following for comments:-

Mr. T. Stephens, Development Control Manager
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 L. Ackerman

Councillor K. R. Baker

Councillor G. Johnson

The Applicant - Mr. R.S. Medcraft

APPENDIX 1

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Councillor L. Ackerman
Councillor K. R. Baker
Councillor G. Johnson

The Applicant - Mr. R.S. Medcraft

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ROLE OF COMMITTEE AND TERMS OF PUBLIC RIGHTS OF WAY

- ii) The term "public rights of way" is used to mean paths, tracks and unmetalled roads over which the public have the right to walk and in some cases ride horses and possibly drive motor vehicles.

These may be classified as follows:-

- A **footpath**: over which the right of way is on foot only.
- A **bridleway**: over which there is a right of way on foot and on horseback or leading a horse, and also for the use of a pedal cycle.
- A **byway open to all traffic**: this means a highway over which the public have a right of way for vehicular and all other kinds of traffic, but which is used by the public mainly for the purpose for which footpaths and bridleways are so used.

- iii) The Wildlife and Countryside Act 1981 places a duty on the County Borough Council to keep the existing definitive map under continuous review, make Modification Orders as necessary to take account of the occurrence of events requiring the map to be modified and to prepare definitive maps for any part of the area not previously surveyed.
- iv) The definitive map and statement will be modified by means of Orders made by the surveying authority i.e. the County Borough Council. The Wildlife and Countryside Act enables any person to apply to the surveying authority for an order to amend the definitive map.
- v) The procedure for making such an application is detailed in Schedule 14 of the Wildlife and Countryside Act. The application before you complies with these requirements.
- vi) When determining the application members will be acting in a quasi-judicial capacity. Before making an order, members must be satisfied that the evidence shows, **on the balance of probabilities**, that a right of way of a particular description exists. Each application must be dealt with on its own merits, noting the interests of both the applicants and the landowners.
- vii) This application is concerned with rights that are alleged to exist and not as to whether it would be prudent or beneficial to create them. The suitability of a way for users who have a right to use it, for example the nuisance that they are alleged to cause are not factors that should be considered by the Committee. **Members are also required to view the route of the proposed right of way in question.**

- viii) When considering the evidence that follows, members must be aware of the provisions of Section 31 of the Highways Act 1980 thus enabling members to determine whether there is sufficient weight of evidence to make an order.

Section 31 of the Highways Act states:-

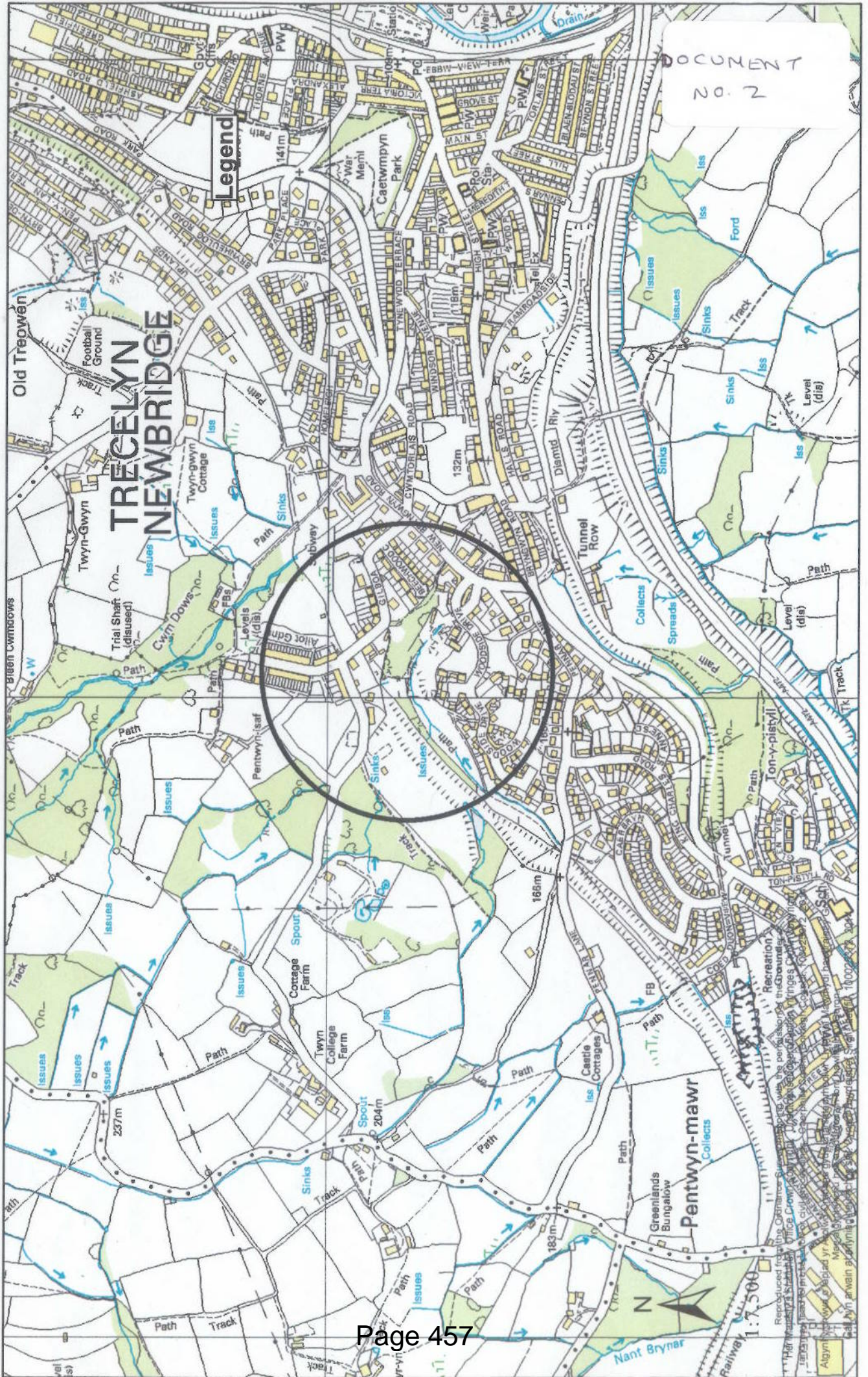
"where a way over any land other than a way of such a character that use of it by the public could not be given rise at common law to any presumption of dedication, has been actually enjoyed by the public as a right and without interruption for a full period of 20 years, the way is to be deemed to have been dedicated a highway unless there is sufficient evidence that there was no intention during that period to dedicate it."

If in the case before you members are satisfied that the right of way has been used for a period in excess of 20 years, then there arises a presumption that the owner intended to dedicate the path as a right of way. It should be noted by members that the said 20 year period must be calculated retrospectively from the date when the way was first called into question.

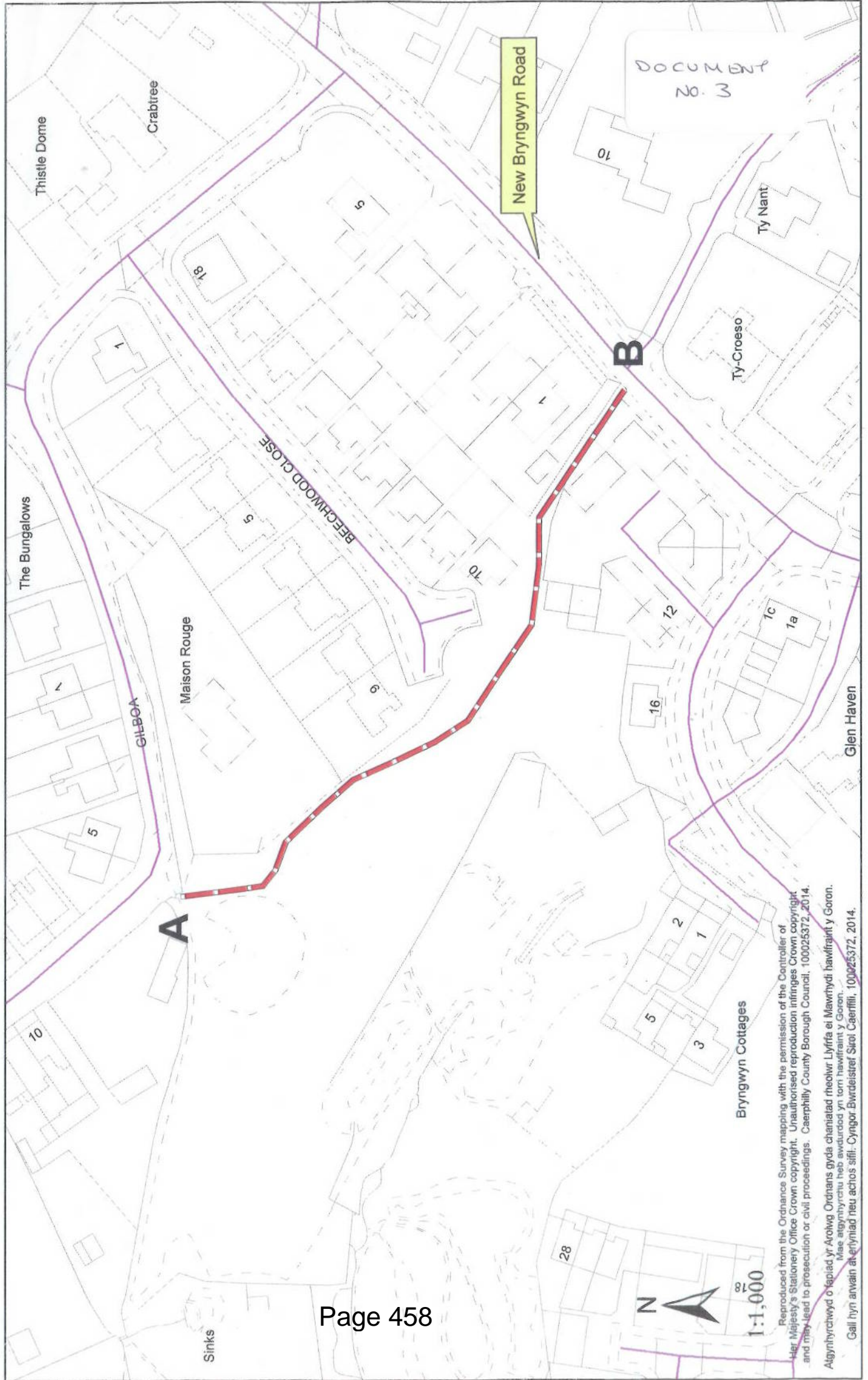
- ix) If following the site visit the Committee decides to make an Order, then once this decision has been reached the County Borough Council has to give notice of its general effect. Following members' decision there is a right of appeal to the National Assembly for Wales. A period of at least 42 days from the date of first publication of the notice must be allowed for objections."

If there are any valid objections the County Borough Council has to refer the Order, together with the objections to the National Assembly for Wales who will then arrange for the Order and the objections to be considered by an independent Inspector. If no valid objections are made within the objection period then the County Borough Council may confirm the order itself as an unopposed Order.

CLAIMED RIGHT OF WAY NO. 90 - LOCATION PLAN



CLAIMED RIGHT OF WAY NO. 90 -A-B LOCATION PLAN



DOCUMENT NO. 3

New Bryngwyn Road

A

B

Reproduced from the Ordnance Survey mapping with the permission of the Controller of Her Majesty's Stationery Office Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. Caerphilly County Borough Council, 100025372, 2014.

Alwynhychwyd o faplad yr Arolwg Ordnans gyda chaniatod rheolwr Llyfrfa ei Mawrhydi hawffraint y Goron. Mae awgrymyrchu heb awdurdod yn torri hawffraint y Goron. Gall hyn arwain at enillydd neu achos sifft. Cyngor Bwrdeistref Sirol Caerffili, 100025372, 2014.

WILDLIFE AND COUNTRYSIDE ACT 1981

DOCUMENT NO. 4

CERTIFICATE (ii)

FORM OF CERTIFICATE OF SERVICE OF NOTICE OF APPLICATION FOR MODIFICATION ORDER Wildlife and Countryside Act 1981

(Title of Definitive Map and Statement)

Certificate of Service of Notice of Application for Modification Order

To: Gwent County Council County Hall, Cwmbran.

I / We Mr. R. S. Medcraft of [redacted] hereby certify that the requirements of paragraph 2 of Schedule 14 to the Wildlife and Countryside Act 1981 have been complied with.

Dated: 16/9/93

Signed: [redacted signature]

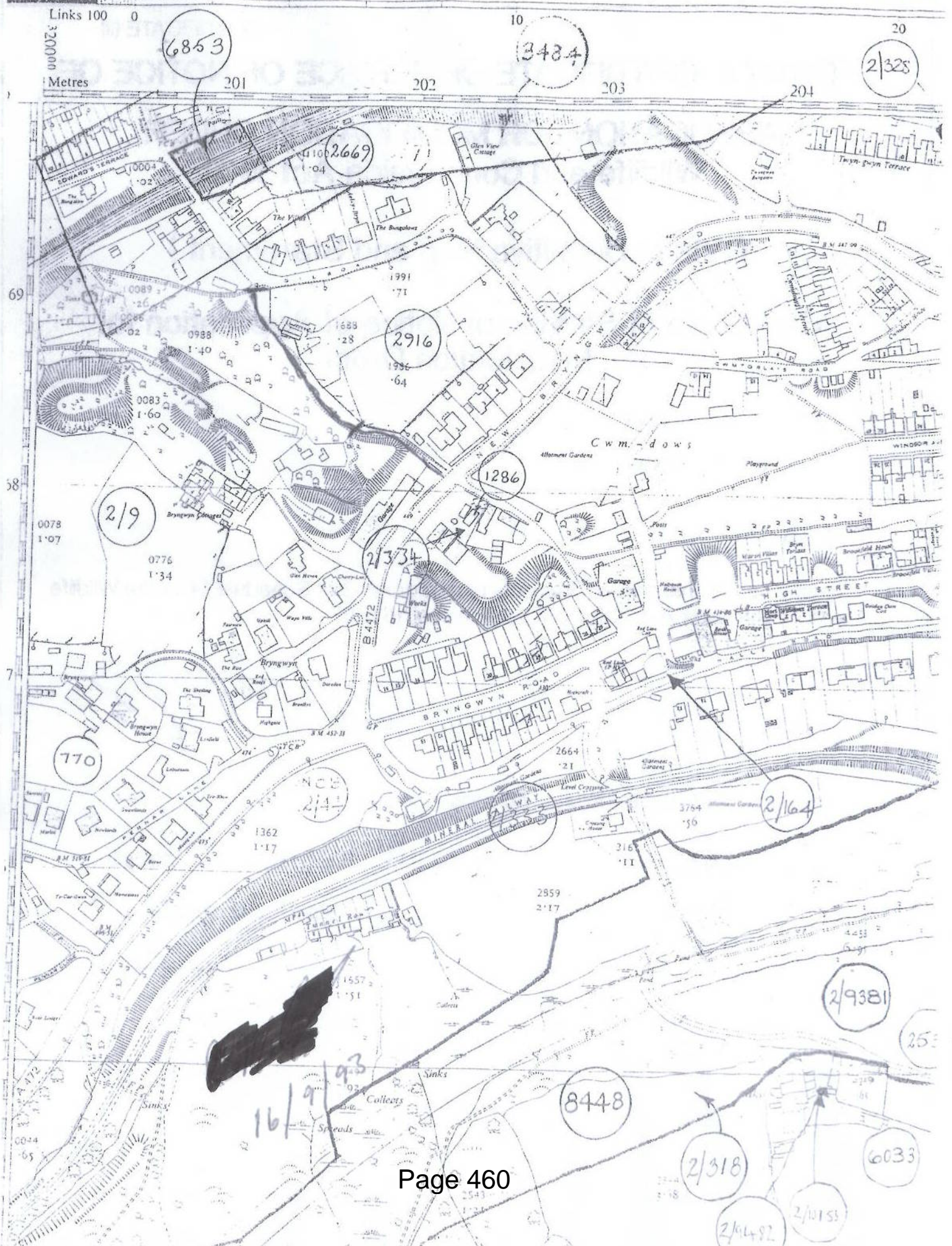
Notices served on the following persons / bodies:-

- 1. The Trustees of Blanover Estates Ltd Messrs R.E Phillips
2. + Davies 23 a Gold Tops Newport, Gwent.
3.
4.
5.
6.

N ST-2096 & PLAN ST2196

PARCEL NUMBERS AND ACREAGE:
The number and acreage of each parcel of land is shown within the parcel when identifying a parcel to specify the number(s) of the plant(s) on which

IN PARCELS DIVIDED BY THE SHEET EDGE
ACREAGES ARE SHOWN TO SHEET EDGE



Certificate (i)

FORM OF APPLICATION FOR MODIFICATION ORDER
Wildlife & Countryside Act 1981

(Title of Definitive Map And Statement)

To: Gwent County Council
of: Conty Hall, Cwmbran.

I/We, Mr. R. S. Medcraft
of [REDACTED]

hereby apply for an order under Section 53(2) of the Wildlife & Countryside Act 1981 modifying the definitive map and statement for the area by,

★ DELETE BELOW AS APPROPRIATE

[adding the (footpath) (bridleway) (~~byway open to all traffic~~)

from: Gilboa Road
to : New Bryngwyn Road Newbridge]

and as shown on the map annexed hereto.

I/We attach copies of the following documentary evidence (including statements of witnesses) in support of this application :

20 Completed Evidence Forms (previously received)

(list of documents)

Dated 16 / 9 / 1993

Signed : [REDACTED]

Doc No. 6

GWENT COUNTY COUNCIL
PUBLIC RIGHTS OF WAY EVIDENCE FORM

PLEASE READ THE FOLLOWING NOTES BEFORE FILLING IN THIS FORM

- a. The questions on this form relate to the alleged right of way shown on the attached plan ONLY - called "the route" on this form.
- b. Please do not fill in this form unless you have used the route.
- c. If you have used part only of the route, please mark clearly on the plan which part you have used and answer the questions on this form in relation to that part only.
- d. You should only fill in this form if you are prepared to attend and give evidence at any Public Inquiry which may be held to determine whether or not the route is in fact a public right of way.
- e. Please tick the appropriate box and complete as necessary.

PERSONAL DETAILS

Surname : LAVIES

First Name : LILIAN CAROLINE MARGRIE

Address : [REDACTED]

Title :

MR		MRS		MISS		MS
----	--	-----	--	------	--	----

Date of Birth :

Occupation : HOUSEWIFE

EVIDENCE

<p>1. (i) Have you used the route on foot ?</p> <p style="padding-left: 20px;">If 'YES', please state inclusive years.</p>	<table border="1" style="border-collapse: collapse; width: 100%;"> <tr><td style="width: 20px; text-align: center;">YES</td><td style="width: 20px; text-align: center;"><input checked="" type="checkbox"/></td><td style="width: 20px; text-align: center;">NO</td><td style="width: 20px; text-align: center;"><input type="checkbox"/></td></tr> <tr><td colspan="4" style="text-align: center; padding: 2px;">1951 to 1993</td></tr> </table>	YES	<input checked="" type="checkbox"/>	NO	<input type="checkbox"/>	1951 to 1993			
YES	<input checked="" type="checkbox"/>	NO	<input type="checkbox"/>						
1951 to 1993									
<p>(ii) Have you used the route on horseback ?</p> <p style="padding-left: 20px;">If 'YES', please state inclusive years.</p>	<table border="1" style="border-collapse: collapse; width: 100%;"> <tr><td style="width: 20px; text-align: center;">YES</td><td style="width: 20px; text-align: center;"><input type="checkbox"/></td><td style="width: 20px; text-align: center;">NO</td><td style="width: 20px; text-align: center;"><input checked="" type="checkbox"/></td></tr> <tr><td colspan="4" style="text-align: center; padding: 2px;">19 to 19</td></tr> </table>	YES	<input type="checkbox"/>	NO	<input checked="" type="checkbox"/>	19 to 19			
YES	<input type="checkbox"/>	NO	<input checked="" type="checkbox"/>						
19 to 19									
<p>(iii) Have you used the route with motor vehicles ?</p> <p style="padding-left: 20px;">If 'YES', please state inclusive years.</p>	<table border="1" style="border-collapse: collapse; width: 100%;"> <tr><td style="width: 20px; text-align: center;">YES</td><td style="width: 20px; text-align: center;"><input type="checkbox"/></td><td style="width: 20px; text-align: center;">NO</td><td style="width: 20px; text-align: center;"><input checked="" type="checkbox"/></td></tr> <tr><td colspan="4" style="text-align: center; padding: 2px;">19 to 19</td></tr> </table>	YES	<input type="checkbox"/>	NO	<input checked="" type="checkbox"/>	19 to 19			
YES	<input type="checkbox"/>	NO	<input checked="" type="checkbox"/>						
19 to 19									
<p>2. Did the existence of the route come to your knowledge before you used it ?</p> <p style="padding-left: 20px;">If 'YES', please state the year it first came to your knowledge.</p>	<table border="1" style="border-collapse: collapse; width: 100%;"> <tr><td style="width: 20px; text-align: center;">YES</td><td style="width: 20px; text-align: center;"><input checked="" type="checkbox"/></td><td style="width: 20px; text-align: center;">NO</td><td style="width: 20px; text-align: center;"><input type="checkbox"/></td></tr> <tr><td colspan="4" style="text-align: center; padding: 2px;">1968 to 1993</td></tr> </table>	YES	<input checked="" type="checkbox"/>	NO	<input type="checkbox"/>	1968 to 1993			
YES	<input checked="" type="checkbox"/>	NO	<input type="checkbox"/>						
1968 to 1993									
<p>3. Has anybody ever verbally challenged your right to use the route ?</p> <p style="padding-left: 20px;">If 'YES', please specify, giving dates.</p>	<table border="1" style="border-collapse: collapse; width: 100%;"> <tr><td style="width: 20px; text-align: center;">YES</td><td style="width: 20px; text-align: center;"><input type="checkbox"/></td><td style="width: 20px; text-align: center;">NO</td><td style="width: 20px; text-align: center;"><input checked="" type="checkbox"/></td></tr> </table>	YES	<input type="checkbox"/>	NO	<input checked="" type="checkbox"/>				
YES	<input type="checkbox"/>	NO	<input checked="" type="checkbox"/>						

4. Have you ever seen any notices or signs on or near to the route marked "Private" or "Keep Out" or any other words which would suggest that the route was not a public right of way?

YES		NO	<input checked="" type="checkbox"/>
-----	--	----	-------------------------------------

If 'YES', please state the wording here and mark the positions on the attached plan.

5. (i) Are there now, or have there been, any stiles, gates or footbridges on the path?

YES	<input checked="" type="checkbox"/>	NO	
-----	-------------------------------------	----	--

If 'YES', please mark them on the attached plan.

(ii) If they appeared after the date you first used the route, please specify the year.

19	93
----	----

(iii) If they are no longer in existence, please specify when they disappeared.

19	93
----	----

6. Is the route passable in its present condition?

YES		NO	<input checked="" type="checkbox"/>
-----	--	----	-------------------------------------

If 'NO' mark the obstruction(s) on the attached plan and describe it/them in writing here.

with difficulty

Some tipping of soil has blocked pathway making it difficult to walk.

7. Is there any further relevant information?

YES		NO	
-----	--	----	--

If 'YES', please continue on the back of the plan if insufficient room here.

DECLARATION

I declare that to the best of my knowledge and belief all the particulars given above are true and accurate.

Signature	
Date	<i>11/7/93</i>

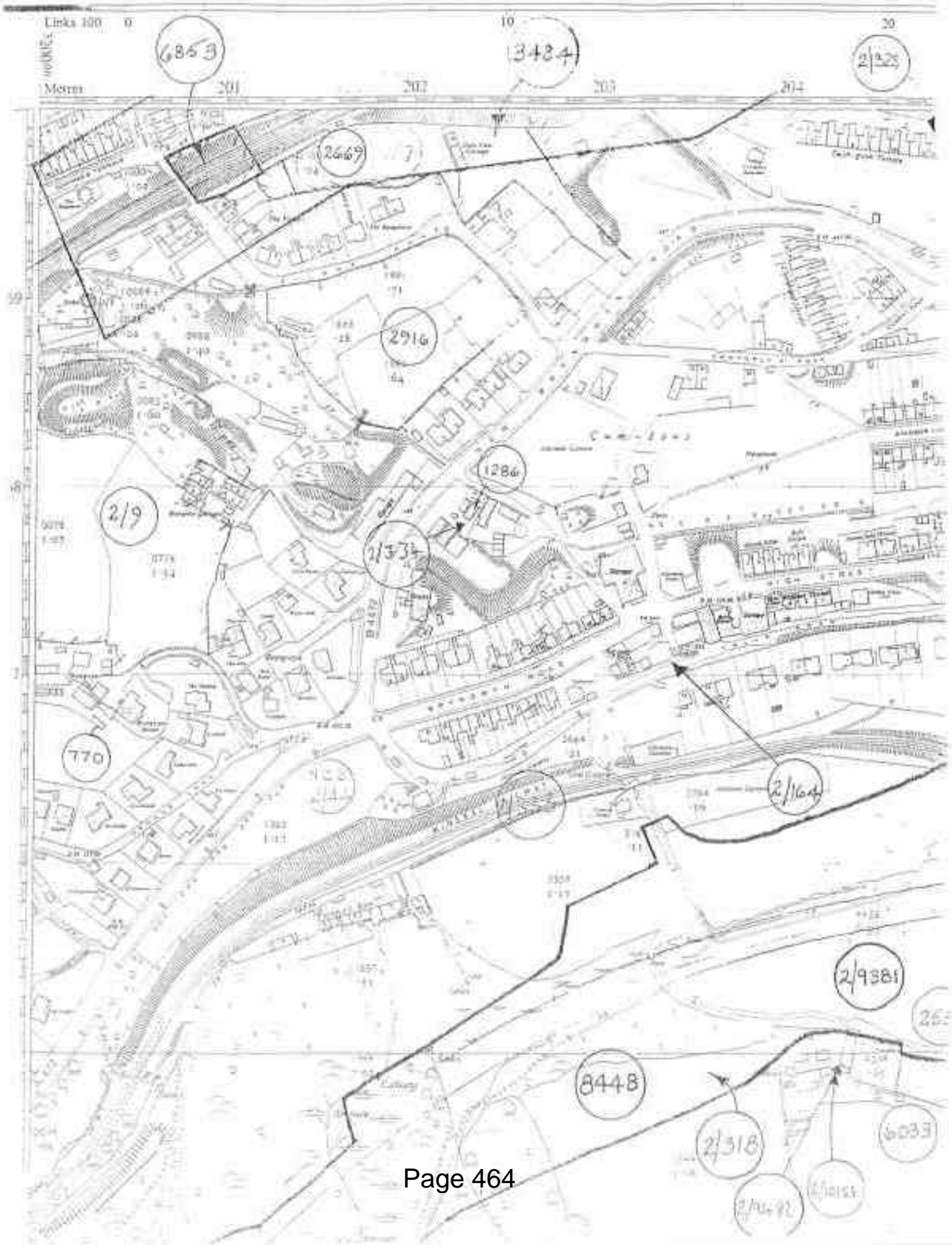
This form when completed should be returned to the
County Planning Officer, County Hall, Cwmbran, Gwent NP44 2XP

N ST 2096 & PLAN ST 2196

PARCEL NUMBERS AND ACREAGES

The number and acreage of each parcel of land is shown within the parcel which identifies a parcel is circled the number is of the sheet, and is

IN PARCELS DIVIDED BY THE SHEET EDGE
ACREAGES ARE SHOWN TO SHEET EDGES



**GWENT COUNTY COUNCIL
PUBLIC RIGHTS OF WAY EVIDENCE FORM**

PLEASE READ THE FOLLOWING NOTES BEFORE FILLING IN THIS FORM

- a. The questions on this form relate to the alleged right of way shown on the attached plan ONLY - called "the route" on this form.
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- c. If you have used part only of the route, please mark clearly on the plan which part you have used and answer the questions on this form in relation to that part only.
- d. You should only fill in this form if you are prepared to attend and give evidence at any Public Inquiry which may be held to determine whether or not the route is in fact a public right of way.
- e. Please tick the appropriate box and complete as necessary.

PERSONAL DETAILS

Surname : MADDEN

First Name : BARBARA

Address : [REDACTED]

Title : MR MRS MISS MS

Date of Birth : _____

Occupation : HOUSEWIFE

EVIDENCE

1. (i) Have you used the route on foot ? YES NO
 If 'YES', please state inclusive years. 19 35 to 19 93

(ii) Have you used the route of horseback ? YES NO
 If 'YES', please state inclusive years. 19 to 19

(iii) Have you used the route with motor vehicles ? YES NO
 If 'YES', please state inclusive years. 19 to 19

2. Did the existence of the route come to your knowledge before you used it ? YES NO
 If 'YES', please state the year it first came to your knowledge. 19 35 to 19 93

3. Has anybody ever verbally challenged your right to use the route ? ~~YES~~ NO
 If 'YES', please specify, giving dates.

4. Have you ever seen any notices or signs on or near to the route marked "Private" or "Keep Out" or any other words which would suggest that the route was not a public right of way?

YES		NO	<input checked="" type="checkbox"/>
-----	--	----	-------------------------------------

If 'YES', please state the wording here and mark the positions on the attached plan.

5. (i) Are there now, or have there been, any stiles, gates or footbridges on the path?

YES	<input checked="" type="checkbox"/>	NO	
-----	-------------------------------------	----	--

If 'YES', please mark them on the attached plan.

(ii) If they appeared after the date you first used the route, please specify the year.

19

(iii) If they are no longer in existence, please specify when they disappeared.

19

6. Is the route passable in its present condition?

YES		NO	<input checked="" type="checkbox"/>
-----	--	----	-------------------------------------

If 'NO' mark the obstruction(s) on the attached plan and describe it/them in writing here.

7. Is there any further relevant information?

YES		NO	
-----	--	----	--

If 'YES', please continue on the back of the plan if insufficient room here.

DECLARATION

I declare that to the best of my knowledge and belief all the particulars given above are true and accurate.

Signature	
Date	1-4-93

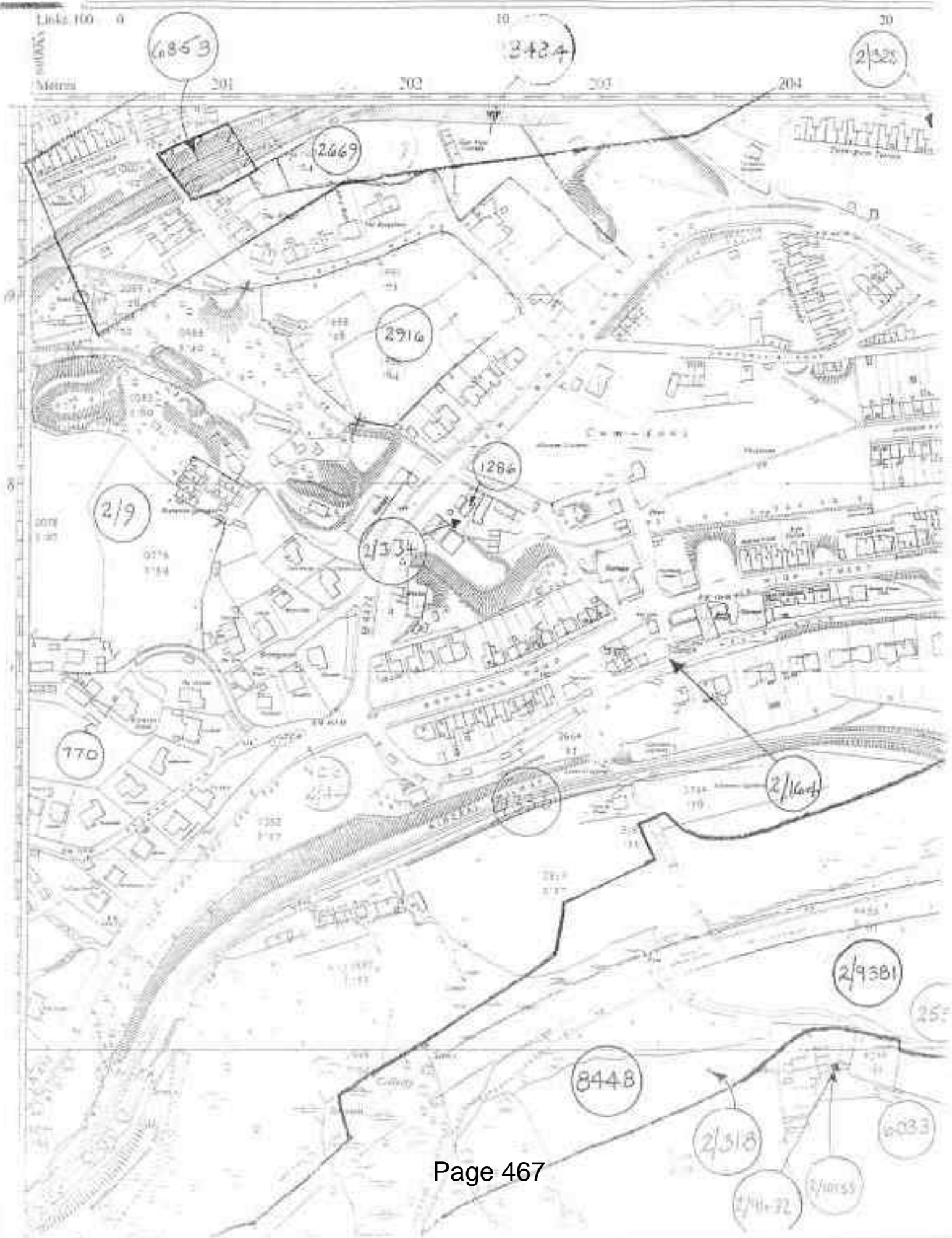
This form when completed should be returned to the
County Planning Officer, County Hall, Cwmbron, Gwent, NP44 2XF

SF 2096 & PLAN ST 2196

PARCEL NUMBERS AND ACREAGES

The number and acreage of each parcel of land is shown within its respective identifying symbol or symbol number on this plan.

IN PARCELS DIVIDED BY THE SHEET EDGE, ACREAGES ARE SHOWN TO SHEET EDGE.



**GWENT COUNTY COUNCIL
PUBLIC RIGHTS OF WAY EVIDENCE FORM**

PLEASE READ THE FOLLOWING NOTES BEFORE FILLING IN THIS FORM

- a. The questions on this form relate to the alleged right of way shown on the attached plan ONLY - called "the route" on this form.
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- d. You should only fill in this form if you are prepared to attend and give evidence at any Public Inquiry which may be held to determine whether or not the route is in fact a public right of way.
- e. Please tick the appropriate box and complete as necessary.

PERSONAL DETAILS

Surname :

First Name :

Address :

Title

MR	<input checked="" type="checkbox"/>	MRS	<input type="checkbox"/>	MISS	<input type="checkbox"/>	MS	<input type="checkbox"/>
----	-------------------------------------	-----	--------------------------	------	--------------------------	----	--------------------------

Date of Birth :

Occupation :

EVIDENCE

1. (i) Have you used the route on foot ? YES NO

If 'YES', please state inclusive years.

(ii) Have you used the route of horseback ? YES NO

If 'YES', please state inclusive years.

(iii) Have you used the route with motor vehicles ? YES NO

If 'YES', please state inclusive years.

2. Did the existence of the route come to your knowledge before you used it ? YES NO

If 'YES', please state the year it first came to your knowledge.

3. Has anybody ever verbally challenged your right to use the route ? YES NO

If 'YES', please specify, giving dates.

4. Have you ever seen any notices or signs on or near to the route marked "Private" or "Keep Out" or any other words which would suggest that the route was not a public right of way?

YES		NO	<input checked="" type="checkbox"/>
-----	--	----	-------------------------------------

If 'YES', please state the wording here and mark the positions on the attached plan.

5. (i) Are there now, or have there been, any stiles, gates or footbridges on the path?

YES	<input checked="" type="checkbox"/>	NO	
-----	-------------------------------------	----	--

If 'YES', please mark them on the attached plan.

(ii) If they appeared after the date you first used the route, please specify the year.

19

(iii) If they are no longer in existence, please specify when they disappeared.

19

6. Is the route passable in its present condition?

YES		NO	<input checked="" type="checkbox"/>
-----	--	----	-------------------------------------

If 'NO' mark the obstruction(s) on the attached plan and describe it/them in writing here.

7. Is there any further relevant information?

YES		NO	
-----	--	----	--

If 'YES', please continue on the back of the plan if insufficient room here.

DECLARATION

I declare that to the best of my knowledge and belief all the particulars given above are true and accurate.

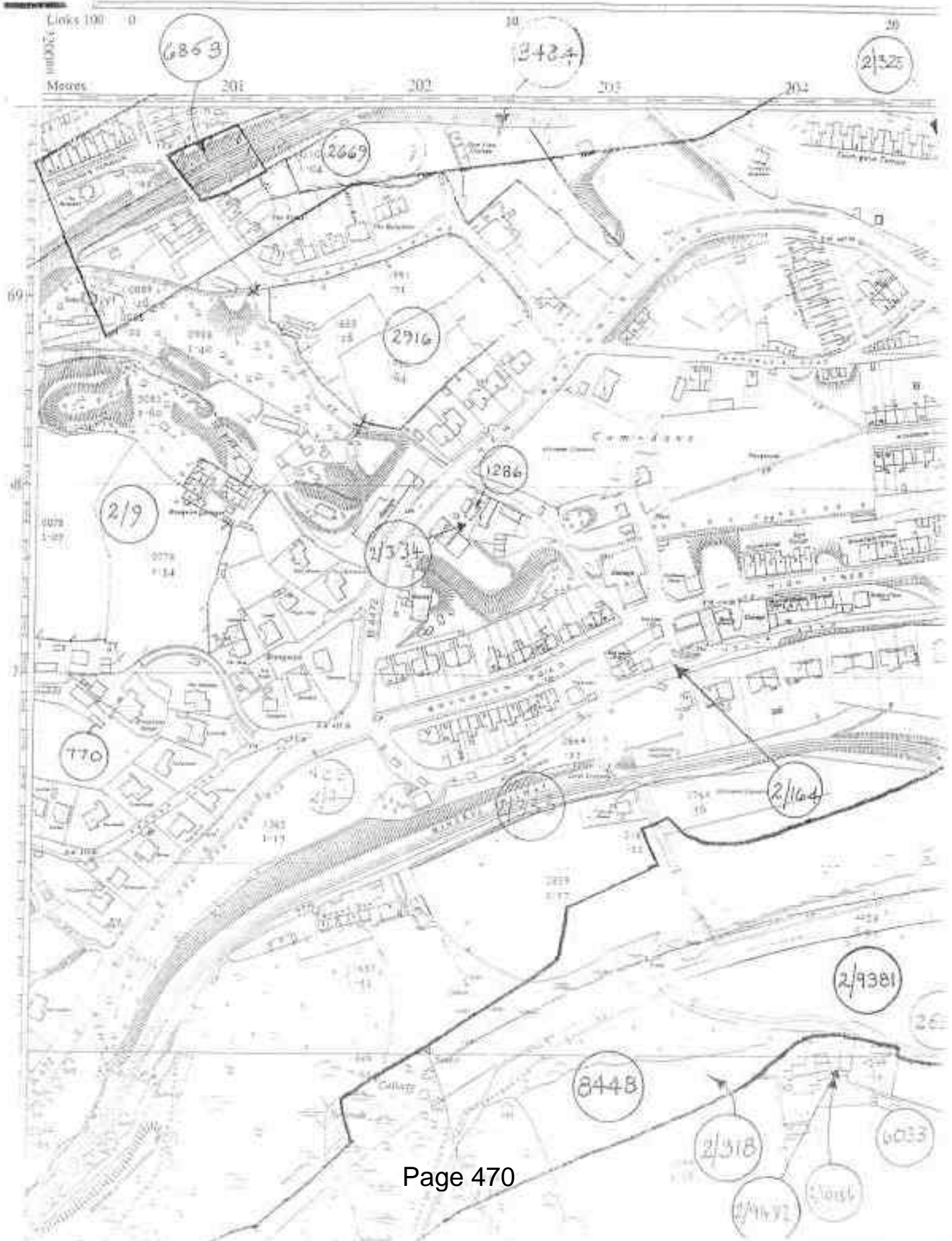
Signature	
Date	1-7-93

This form when completed should be returned to the
County Planning Officer, County Hall, Cwmbran, Gwent, NP44 2XF

N ST 2096 & PLAN ST 2196

PARCEL NUMBERS AND ACREAGE
The number and acreage of each parcel of land is shown within the parcel. When identifying a parcel in reports the number 21 of the sheet is used.

**IN PARCELS DIVIDED BY THE SHEET EDGE
ACREAGES ARE SHOWN TO SHEET EDGE**



**GWENT COUNTY COUNCIL
PUBLIC RIGHTS OF WAY EVIDENCE FORM**

PLEASE READ THE FOLLOWING NOTES BEFORE FILLING IN THIS FORM

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- b. Please do not fill in this form unless you have used the route.
- c. If you have used part only of the route, please mark clearly on the plan which part you have used and answer the questions on this form in relation to that part only.
- d. You should only fill in this form if you are prepared to attend and give evidence at any Public Inquiry which may be held to determine whether or not the route is in fact a public right of way.
- e. Please tick the appropriate box and complete as necessary.

PERSONAL DETAILS

Surname :

First Name :

Address :

Title :

MR	<input checked="" type="checkbox"/>	MRS	<input type="checkbox"/>	MISS	<input type="checkbox"/>	MS	<input type="checkbox"/>
----	-------------------------------------	-----	--------------------------	------	--------------------------	----	--------------------------

Date of Birth :

Occupation :

EVIDENCE

1. (i) Have you used the route on foot ? YES NO
 If 'YES', please state inclusive years. *Retired*

(ii) Have you used the route on horseback ? YES NO
 If 'YES', please state inclusive years.

(iii) Have you used the route with motor vehicles ? YES NO
 If 'YES', please state inclusive years.

2. Did the existence of the route come to your knowledge before you used it ? YES NO
 If 'YES', please state the year it first came to your knowledge. *ADVICE*

3. Has anybody ever verbally challenged your right to use the route ? YES NO
 If 'YES', please specify, giving dates.

4. Have you ever seen any notices or signs on or near to the route marked "Private" or "Keep Out" or any other words which would suggest that the route was not a public right of way?

YES		NO	<input checked="" type="checkbox"/>
-----	--	----	-------------------------------------

If 'YES', please state the wording here and mark the positions on the attached plan.

5. (i) Are there now, or have there been, any stiles, gates or footbridges on the path?

YES	<input checked="" type="checkbox"/>	NO	
-----	-------------------------------------	----	--

If 'YES', please mark them on the attached plan.

(ii) If they appeared after the date you first used the route, please specify the year.

19

(iii) If they are no longer in existence, please specify when they disappeared.

19

6. Is the route possible in its present condition?

YES		NO	<input checked="" type="checkbox"/>
-----	--	----	-------------------------------------

If 'NO' mark the obstruction(s) on the attached plan and describe it/them in writing here.

~~locked~~ Locked gates across entrances.
MARKED X ON PLAN.

7. Is there any further relevant information?

YES		NO	
-----	--	----	--

If 'YES', please continue on the back of the plan if insufficient room here.

The area of footpath (marked with a circle)
is in a dangerous condition and needs attention.

DECLARATION

I declare that to the best of my knowledge and belief all the particulars given above are true and accurate.

Signature	
Date	2/7/93

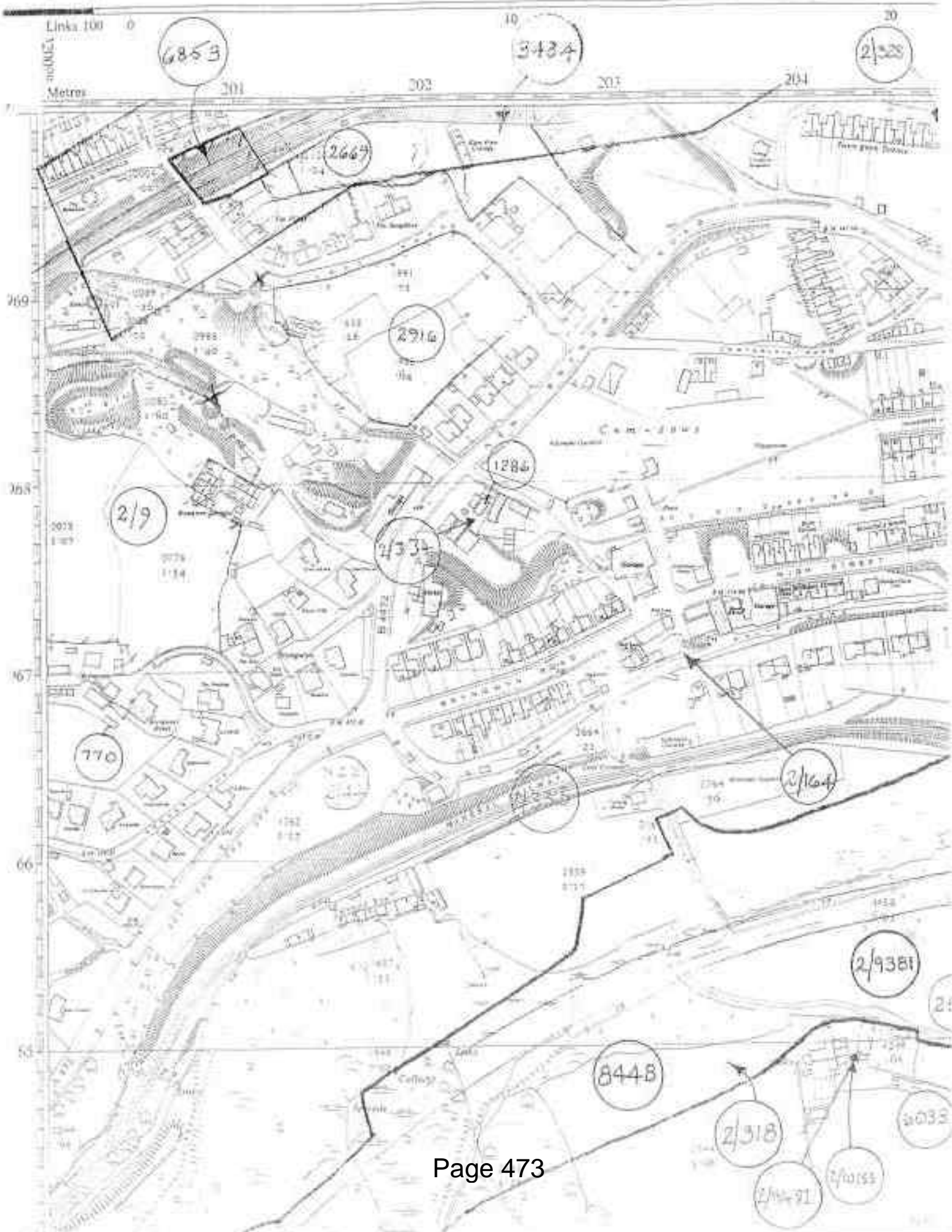
This form when completed should be returned to the
County Planning Officer, County Hall, Cwmbran, Gwent NP44 2XF

N ST 2096 & PLAN ST 2196

PARCEL NUMBERS AND ACREAGES

The number and acreage of each parcel of land is shown within the parcel when situated on a parcel or within the number (1) of the plan (1) on a plan.

IN PARCELS DIVIDED BY THE SHEET EDGE ACREAGES ARE SHOWN TO SHEET EDGE



**GWENT COUNTY COUNCIL
PUBLIC RIGHTS OF WAY EVIDENCE FORM**

PLEASE READ THE FOLLOWING NOTES BEFORE FILLING IN THIS FORM

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- c. If you have used part only of the route, please mark clearly on the plan which part you have used and answer the questions on this form in relation to that part only.
- d. You should only fill in this form if you are prepared to attend and give evidence at any Public Inquiry which may be held to determine whether or not the route is in fact a public right of way.
- e. Please tick the appropriate box and complete as necessary.

PERSONAL DETAILS

Surname : Dixon

First Name : HELMUTH

Address : [REDACTED]

Title

MR		MRS	<input checked="" type="checkbox"/>	MISS		MS	
----	--	-----	-------------------------------------	------	--	----	--

Date of Birth

Occupation

EVIDENCE

1. (i) Have you used the route on foot ? YES NO
 If 'YES', please state inclusive years. 19 38 to 19 82

(ii) Have you used the route of horseback ? YES NO
 If 'YES', please state inclusive years. 19 to 19

(iii) Have you used the route with motor vehicles ? YES NO
 If 'YES', please state inclusive years. 19 to 19

2. Did the existence of the route come to your knowledge before you used it ? YES NO
 If 'YES', please state the year it first came to your knowledge. 19 35 to 19 82

3. Has anybody ever verbally challenged your right to use the route ? YES NO
 If 'YES', please specify, giving dates:

4. Have you ever seen any notices or signs on or near to the route marked "Private" or "Keep Out" or any other words which would suggest that the route was not a public right of way?

YES		NO
-----	--	----

If 'YES', please state the wording here and mark the positions on the attached plan.

5. (i) Are there now, or have there been, any stiles, gates or footbridges on the path?

YES	<input checked="" type="checkbox"/>	NO	<input checked="" type="checkbox"/>
-----	-------------------------------------	----	-------------------------------------

If 'YES', please mark them on the attached plan.

(ii) If they appeared after the date you first used the route, please specify the year.

19

(iii) If they are no longer in existence, please specify when they disappeared.

19

6. Is the route passable in its present condition?

YES		NO	<input checked="" type="checkbox"/>
-----	--	----	-------------------------------------

If 'NO' mark the obstruction(s) on the attached plan and describe it/them in writing here.

7. Is there any further relevant information?

YES		NO	<input checked="" type="checkbox"/>
-----	--	----	-------------------------------------

If 'YES', please continue on the back of the plan if insufficient room here.

DECLARATION

I declare that to the best of my knowledge and belief all the particulars given above are true and accurate.

Signature	
Date	1 July 1993

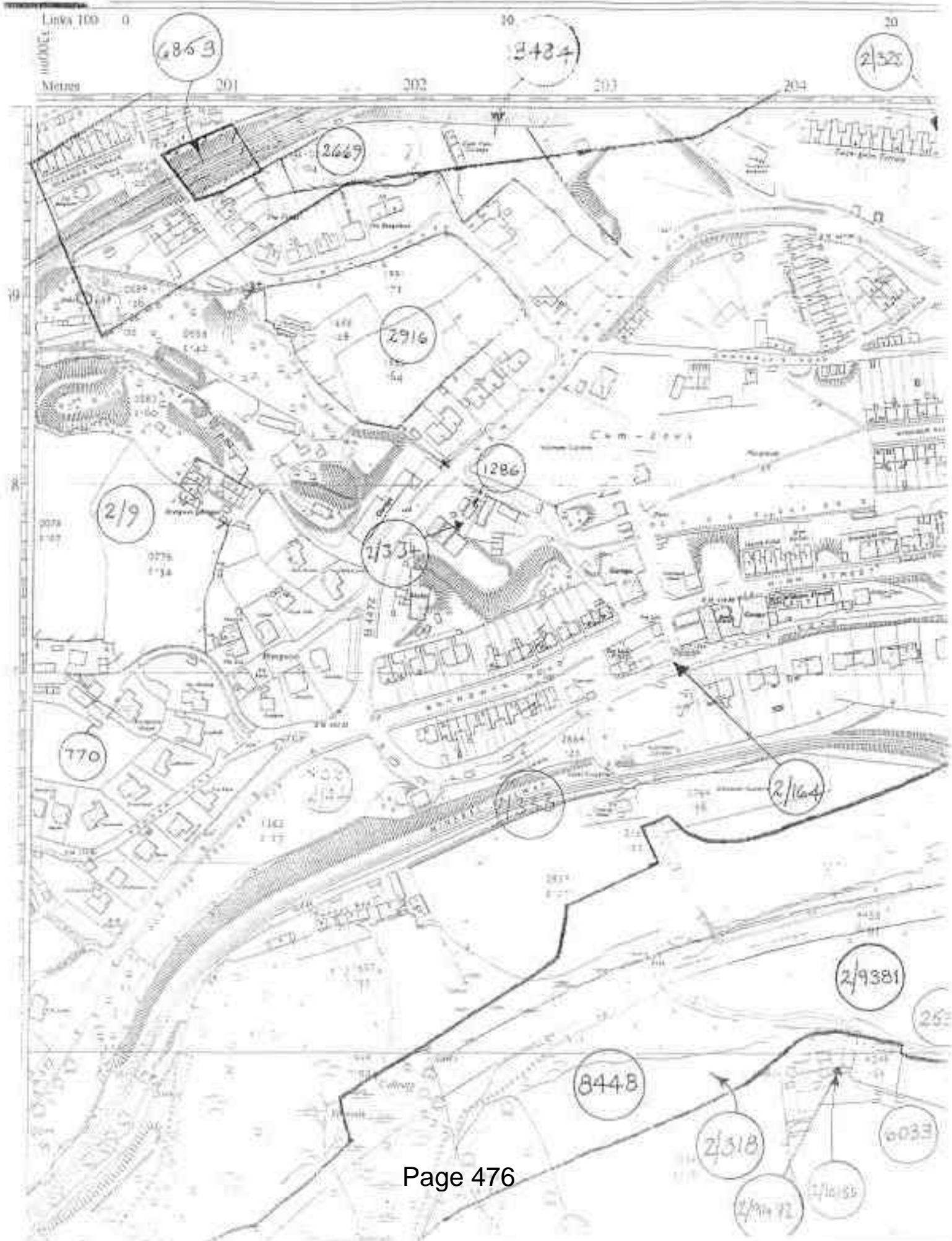
This form when completed should be returned to the
County Planning Officer, County Hall, Cwmbran, Gwent NP44 2XF.

N ST2096 & PLAN ST2196

PARCEL NUMBERS AND ACREAGES

The number and acreage of each parcel of land is shown within the plan when abstracting a parcel to specify the number (17) of the plan (1) on which

IN PARCELS DIVIDED BY THE SHEET EDGE ACREAGES ARE SHOWN TO SHEET EDGE



**GWENT COUNTY COUNCIL
PUBLIC RIGHTS OF WAY EVIDENCE FORM**

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- d. You should only fill in this form if you are prepared to attend and give evidence at any Public Inquiry which may be held to determine whether or not the route is in fact a public right of way.
- e. Please tick the appropriate box and complete as necessary.

PERSONAL DETAILS

Surname :

First Name :

Address :

Title :

MR	<input checked="" type="checkbox"/>	MRS	<input type="checkbox"/>	MISS	<input type="checkbox"/>	MS	<input type="checkbox"/>
----	-------------------------------------	-----	--------------------------	------	--------------------------	----	--------------------------

Date of Birth :

Occupation :

EVIDENCE

1. (i) Have you used the route on foot ?

YES	<input checked="" type="checkbox"/>	NO	<input type="checkbox"/>
-----	-------------------------------------	----	--------------------------

 If 'YES', please state inclusive years.

1948	to	1982
------	----	------

(ii) Have you used the route of horseback ?

YES	<input type="checkbox"/>	NO	<input checked="" type="checkbox"/>
-----	--------------------------	----	-------------------------------------

 If 'YES', please state inclusive years.

19	to	19
----	----	----

(iii) Have you used the route with motor vehicles ?

YES	<input type="checkbox"/>	NO	<input checked="" type="checkbox"/>
-----	--------------------------	----	-------------------------------------

 If 'YES', please state inclusive years.

19	to	19
----	----	----

2. Did the existence of the route come to your knowledge before you used it ?

YES	<input checked="" type="checkbox"/>	NO	<input type="checkbox"/>
-----	-------------------------------------	----	--------------------------

 If 'YES', please state the year it first came to your knowledge.

1948	to	1982
------	----	------

3. Has anybody ever verbally challenged your right to use the route ?

YES	<input type="checkbox"/>	NO	<input checked="" type="checkbox"/>
-----	--------------------------	----	-------------------------------------

 If 'YES', please specify, giving dates.

4. Have you ever seen any notices or signs on or near to the route marked "Private" or "Keep Out" or any other words which would suggest that the route was not a public right of way?

YES	NO	<input checked="" type="checkbox"/>
-----	----	-------------------------------------

If 'YES', please state the wording here and mark the positions on the attached plan.

5. (ii) Are there now, or have there been, any stiles, gates or footbridges on the path?

YES	<input checked="" type="checkbox"/>	NO	<input checked="" type="checkbox"/>
-----	-------------------------------------	----	-------------------------------------

If 'YES', please mark them on the attached plan.

(i) If they appeared after the date you first used the route, please specify the year.

19

(ii) If they are no longer in existence, please specify when they disappeared.

19

6. Is the route possible in its present condition?

YES	NO	<input checked="" type="checkbox"/>
-----	----	-------------------------------------

If 'NO' mark the obstruction(s) on the attached plan and describe it/them in writing here.

7. Is there any further relevant information?

YES	NO	<input checked="" type="checkbox"/>
-----	----	-------------------------------------

If 'YES', please continue on the back of the plan if insufficient room here.

DECLARATION

I declare that to the best of my knowledge and belief all the particulars given above are true and accurate.

Signature	
Date	1/4/93

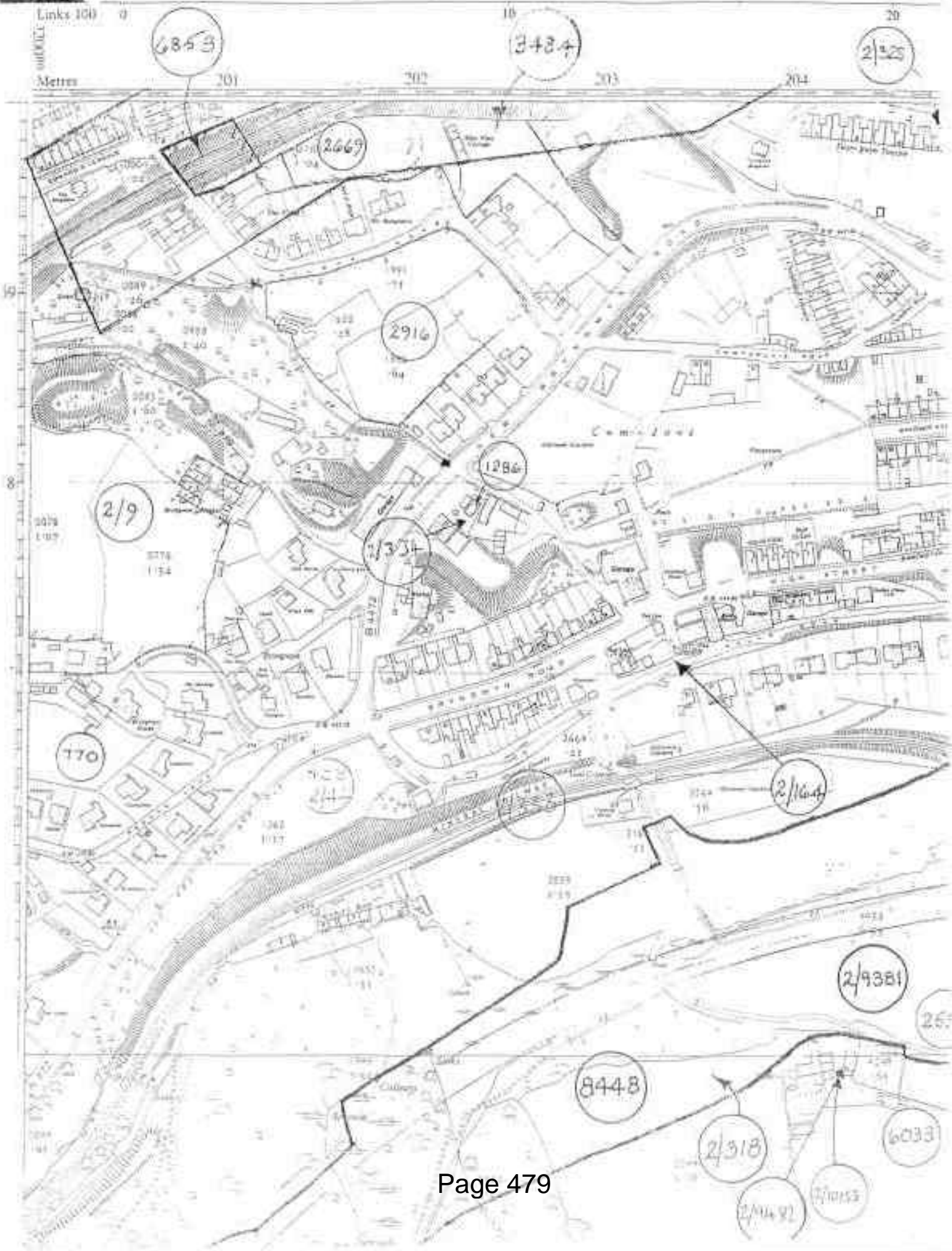
This form when completed should be returned to the
County Planning Officer, County Hall, Cwmbran, Gwent NP44 2XF

N ST 2096 & PLAN ST 2196

PARCEL NUMBERS AND ACREAGES

The number and acreage of each parcel of land is shown within its zone. When identifying a parcel in Table 1, of the plan, use the

IN PARCELS DIVIDED BY THE SHEET EDGE
ACREAGES ARE SHOWN TO SHEET EDGE.



SHEFFIELD COUNTY COUNCIL
PUBLIC RIGHTS OF WAY EVIDENCE FORM

PLEASE READ THE FOLLOWING NOTES BEFORE FILLING IN THIS FORM

- a. The questions on this form relate to the alleged right of way shown on the attached plan ONLY - called "the route" on this form.
- b. Please do not fill in this form unless you have used the route.
- c. If you have used part only of the route, please mark clearly on the plan which part you have used and answer the questions on this form in relation to that part only.
- d. You should only fill in this form if you are prepared to attend and give evidence at any Public Inquiry which may be held to determine whether or not the route is in fact a public right of way.
- e. Please tick the appropriate box and complete as necessary.

PERSONAL DETAILS

Surname : JONES

First Name : HOWARD, ELIZABETH ROY

Address : [REDACTED]

Title MR MRS MISS MS

Date of Birth [REDACTED]

Occupation RETIRED

EVIDENCE

1. (i) Have you used the route on foot ? YES NO
 If 'YES', please state inclusive years. 1952 to 1980
1955 to 1980

(ii) Have you used the route on horseback ? YES NO
 If 'YES', please state inclusive years. 19 to 19

(iii) Have you used the route with motor vehicles ? YES NO
 If 'YES', please state inclusive years. 19 to 19

2. Did the existence of the route come to your knowledge before you used it ? YES NO
 If 'YES', please state the year it first came to your knowledge. 19 to 19

3. Has anybody ever verbally challenged your right to use the route ? YES NO
 If 'YES', please specify, giving dates.

4. Have you ever seen any notices or signs on or near to the route marked "Private" or "Keep Out" or any other words which would suggest that the route was not a public right of way?

YES		NO	<input checked="" type="checkbox"/>
-----	--	----	-------------------------------------

If 'YES', please state the wording here and mark the positions on the attached plan.

5. (i) Are there now, or have there been, any stiles, gates or footbridges on the path?

YES	<input checked="" type="checkbox"/>	NO	
-----	-------------------------------------	----	--

If 'YES', please mark them on the attached plan.

(ii) If they appeared after the date you first used the route, please specify the year.

19

(iii) If they are no longer in existence, please specify when they disappeared.

19

6. Is the route passable in its present condition?

YES		NO	<input checked="" type="checkbox"/>
-----	--	----	-------------------------------------

If 'NO' mark the obstruction(s) on the attached plan and describe it/them in writing here:

7. Is there any further relevant information?

YES		NO	<input checked="" type="checkbox"/>
-----	--	----	-------------------------------------

If 'YES', please continue on the back of the plan if insufficient room here.

DECLARATION

I declare that to the best of my knowledge and belief all the particulars given above are true and accurate.

Signature	
Date	9/3/95

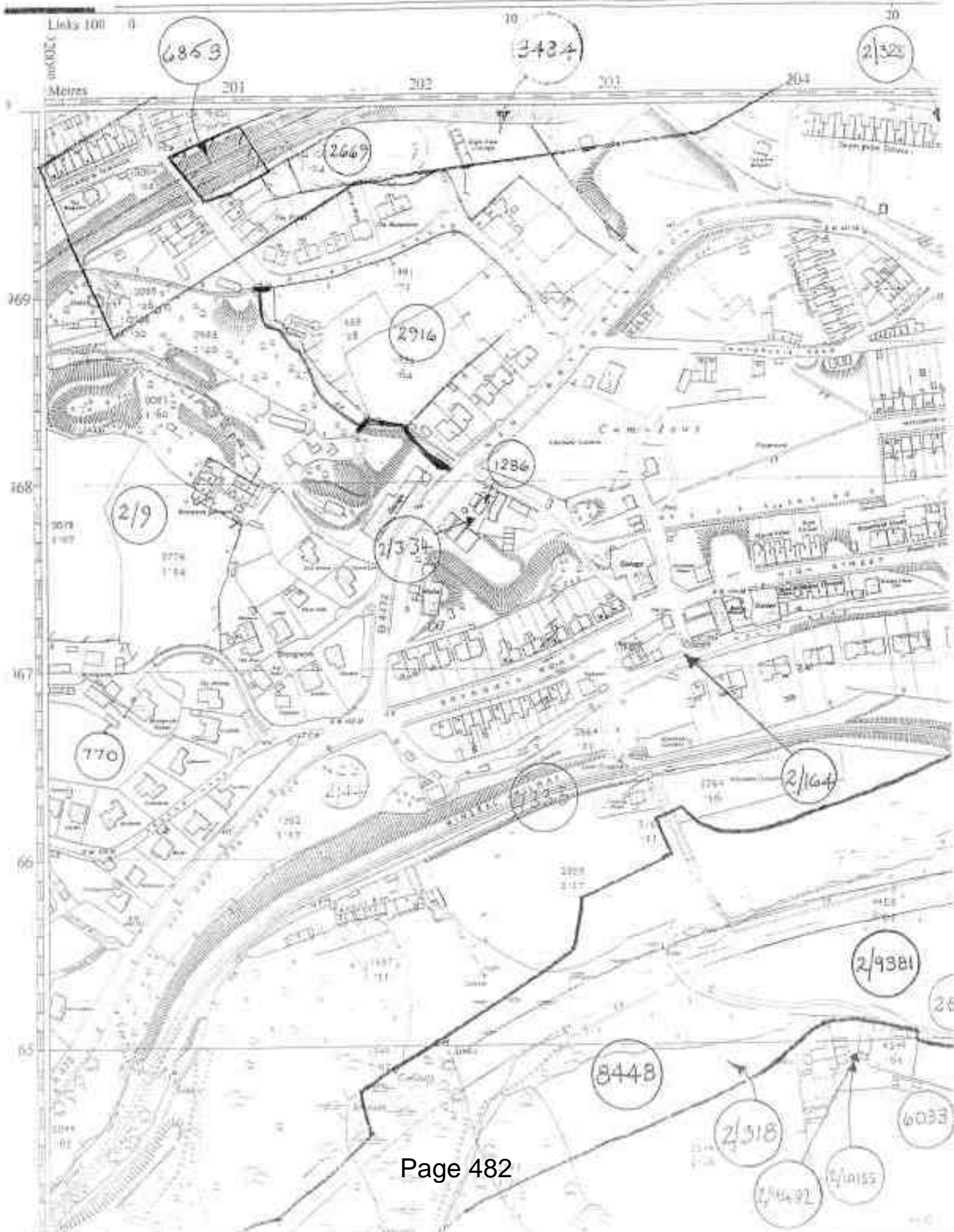
This form when completed should be returned to the
County Planning Officer, County Hall, Cwmbron, Gwent, NP44 2XF

N ST 2096 & PLAN ST 2196

PARCEL NUMBERS AND ACREAGES

The number and acreage of each parcel of land is shown against the survey plan. Identify a parcel to specify the number(s) of the plan(s) on which

IN PARCELS DIVIDED BY THE SHEET EDGE
ACREAGES ARE SHOWN TO SHEET EDGE



**GWENT COUNTY COUNCIL
PUBLIC RIGHTS OF WAY EVIDENCE FORM**

PLEASE READ THE FOLLOWING NOTES BEFORE FILLING IN THIS FORM

- a. The questions on this form relate to the alleged right of way shown on the attached plan ONLY, called "the route" on this form.
- b. Please do not fill in this form unless you have used the route.
- c. If you have used part only of the route, please mark clearly on the plan which part you have used and answer the questions on this form in relation to that part only.
- d. You should only fill in this form if you are prepared to attend and give evidence at any Public Inquiry which may be held to determine whether or not the route is in fact a public right of way.
- e. Please tick the appropriate box and complete as necessary.

PERSONAL DETAILS

Surname :

ROBERTS

First Name :

DEREK ARTHUR

Address :

[REDACTED ADDRESS]

Title

MR

MRS

MISS

MS

Date of Birth

Occupation

EVIDENCE

1. (i) Have you used the route on foot ?

YES NO

If 'YES', please state inclusive years.

19 26 to 19 80

(ii) Have you used the route of horseback ?

YES NO

If 'YES', please state inclusive years.

19 to 19

(iii) Have you used the route with motor vehicles ?

YES NO

If 'YES', please state inclusive years.

19 to 19

2. Did the existence of the route come to your knowledge before you used it ?

YES NO

If 'YES', please state the year it first came to your knowledge.

19 26 to 19

3. Has anybody ever verbally challenged your right to use the route ?

YES NO

If 'YES', please specify, giving dates.

4. Have you ever seen any notices or signs on or near to the route marked "Private" or "Keep Out" or any other words which would suggest that the route was not a public right of way?

YES		NO	<input checked="" type="checkbox"/>
-----	--	----	-------------------------------------

If 'YES', please state the wording here and mark the positions on the attached plan.

5. (i) Are there now, or have there been, any stiles, gates or footbridges on the path?

YES	<input checked="" type="checkbox"/>	NO	<input checked="" type="checkbox"/>
-----	-------------------------------------	----	-------------------------------------

If 'YES', please mark them on the attached plan.

(ii) If they appeared after the date you first used the route, please specify the year.

19

(iii) If they are no longer in existence, please specify when they disappeared.

19

6. Is the route passable in its present condition?

YES		NO	<input checked="" type="checkbox"/>
-----	--	----	-------------------------------------

If 'NO' mark the obstruction(s) on the attached plan and describe it/them in writing here.

overgrown

7. Is there any further relevant information?

YES		NO	<input checked="" type="checkbox"/>
-----	--	----	-------------------------------------

If 'YES', please continue on the back of the plan if insufficient room here.

DECLARATION

I declare that to the best of my knowledge and belief all the particulars given above are true and accurate.

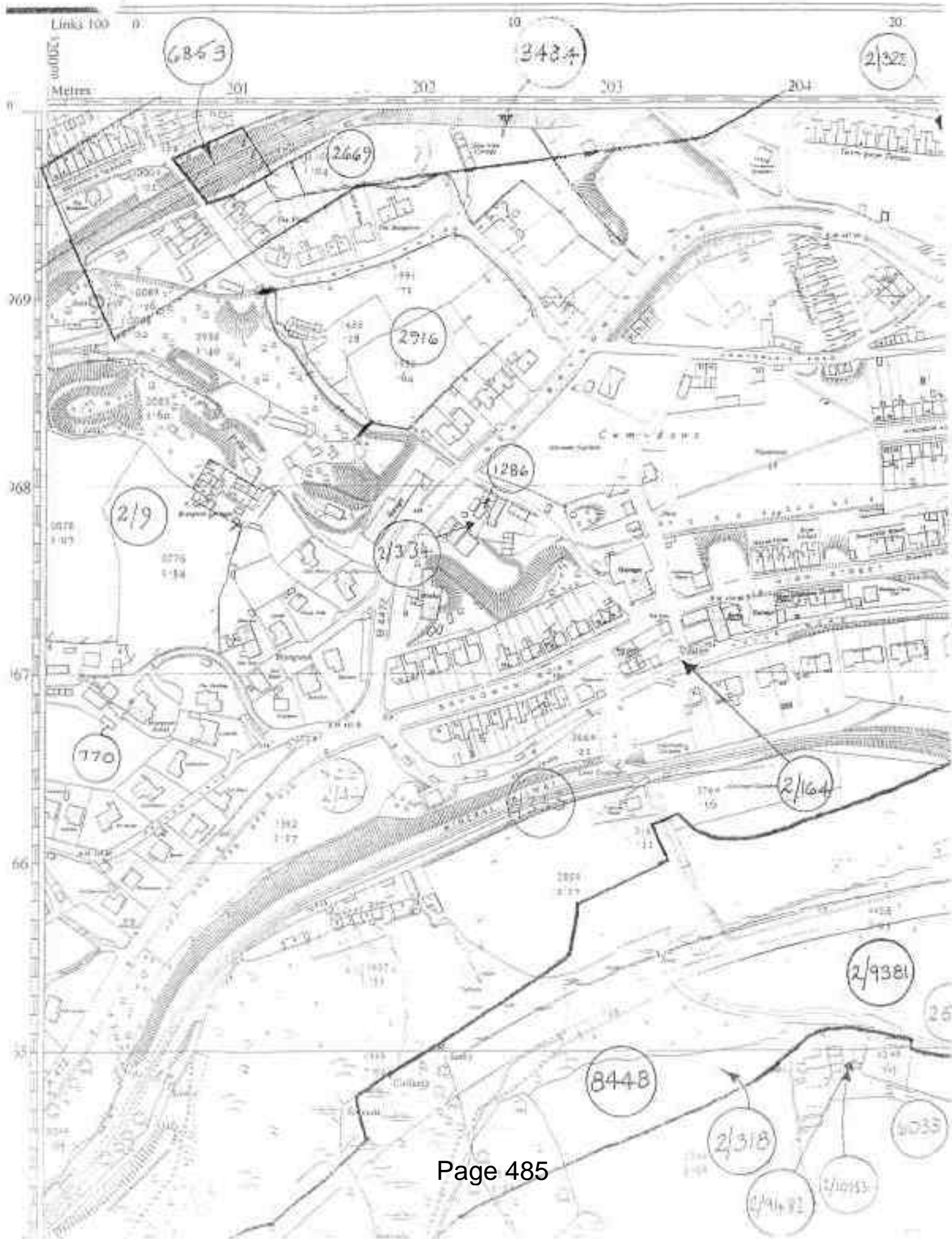
Signature	
Date	13-7-93

This form when completed should be returned to the
County Planning Officer, County Hall, Cwmbran, Gwent, NP44 2XF

N ST 2096 & PLAN ST 2196

PARCEL NUMBERS AND ACREAGE
The number and acreage of each parcel of land is shown within the parcel lines identifying a parcel or specify the number(s) of the parcel(s) of land.

**IN PARCELS DIVIDED BY THE SHEET EDGE
ACREAGES ARE SHOWN TO SHEET EDGE**



GWENT COUNTY COUNCIL
PUBLIC RIGHTS OF WAY EVIDENCE FORM

PLEASE READ THE FOLLOWING NOTES BEFORE FILLING IN THIS FORM

- a. The questions on this form relate to the alleged right of way shown on the attached plan ONLY - called "the route" on this form.
- b. Please do not fill in this form unless you have used the route.
- c. If you have used part only of the route, please mark clearly on the plan which part you have used and answer the questions on this form in relation to that part only.
- d. You should only fill in this form if you are prepared to attend and give evidence at any Public Inquiry which may be held to determine whether or not the route is in fact a public right of way.
- e. Please tick the appropriate box and complete as necessary.

PERSONAL DETAILS

Surname :

First Name :

Address :

Title : MR MRS MISS MS

Date of Birth :

Occupation :

EVIDENCE

1. (i) Have you used the route on foot ? YES NO

 If 'YES', please state inclusive years.

 (ii) Have you used the route of horseback ? YES NO

 If 'YES', please state inclusive years.

 (iii) Have you used the route with motor vehicles ? YES NO

 If 'YES', please state inclusive years.

2. Did the existence of the route come to your knowledge before you used it ? YES NO

 If 'YES', please state the year it first came to your knowledge.

3. Has anybody ever verbally challenged your right to use the route ? YES NO

 If 'YES', please specify, giving dates.

4. Have you ever seen any notices or signs on or near to the route marked "Private" or "Keep Out" or any other words which would suggest that the route was not a public right of way?

YES NO

If 'YES', please state the wording here and mark the positions on the attached plan:

5. (ii) Are there now, or have there been, any stiles, gates or footbridges on the path?

YES / NO

If 'YES', please mark them on the attached plan.

(i) If they appeared after the date you first used the route, please specify the year.

19

(ii) If they are no longer in existence, please specify when they disappeared.

19

6. Is the route passable in its present condition?

YES / NO

If 'NO' mark the obstruction(s) on the attached plan and describe it/them in writing here:

BUT JUST ABOUT,

7. Is there any further relevant information?

YES NO

If 'YES', please continue on the back of the plan if insufficient room here.

THIS ROUTE IS INADEQUATE IN ITS PRESENT STATE.

DECLARATION

I declare that to the best of my knowledge and belief all the particulars given above are true and accurate.

Signature: _____
Date: 5-7-93

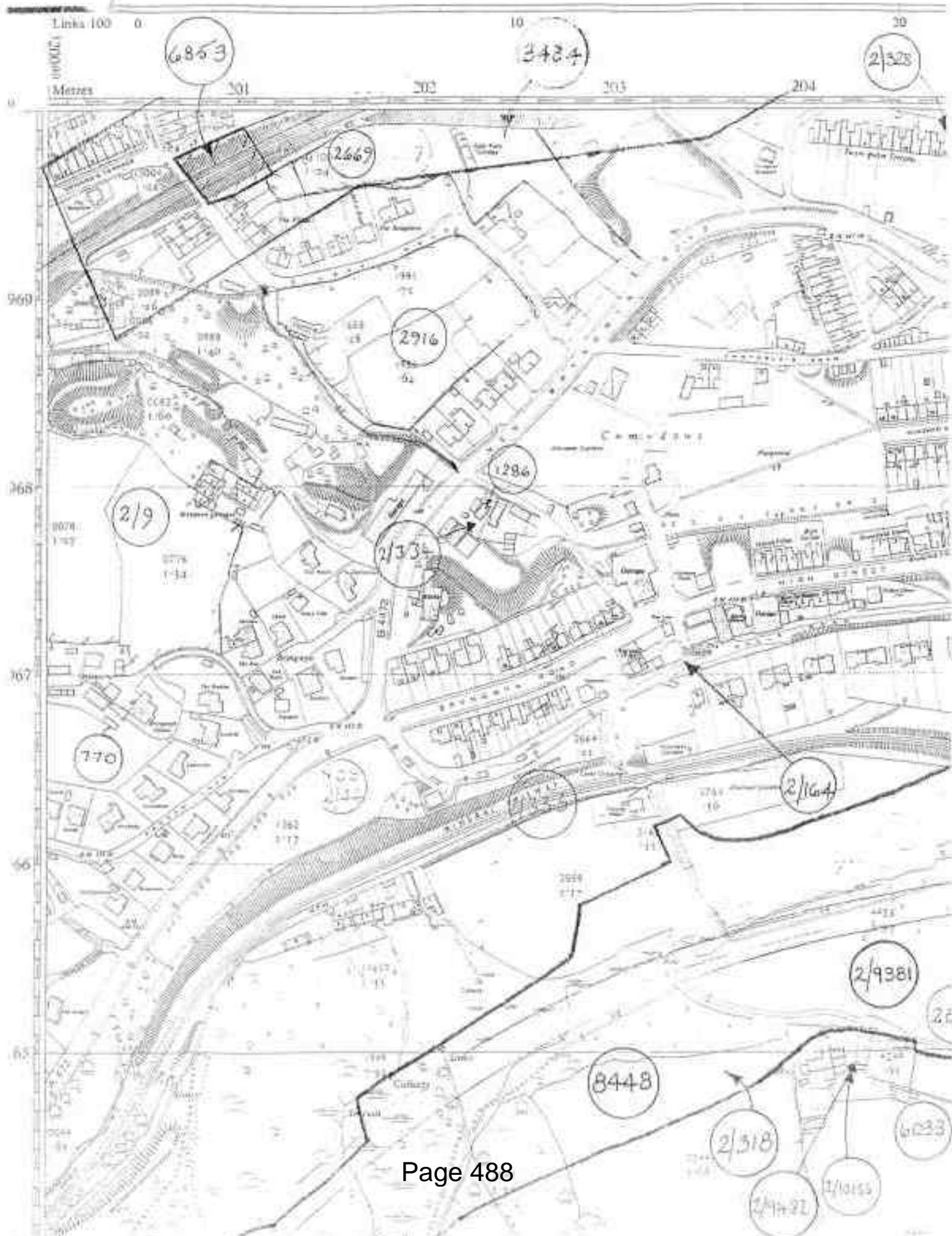
This form when completed should be returned to the
County Planning Officer, County Hall, Cwmbran, Gwent, NP44 2XF

N ST 2096 & PLAN ST 2196

PARCEL NUMBERS AND ACREAGES

The number and acreage of each parcel of land is shown within the parcel. When describing a parcel to specify the number(s) of the plan(s) on which

IN PARCELS DIVIDED BY THE SHEET EDGE
ACREAGES ARE SHOWN TO SHEET EDGE



**GWENT COUNTY COUNCIL
PUBLIC RIGHTS OF WAY EVIDENCE FORM**

PLEASE READ THE FOLLOWING NOTES BEFORE FILLING IN THIS FORM

- a. The questions on this form relate to the alleged right of way shown on the attached plan ONLY - called "the route" on this form.
- b. Please do not fill in this form unless you have used the route.
- c. If you have used part only of the route, please mark clearly on the plan which part you have used and answer the questions on this form in relation to that part only.
- d. You should only fill in this form if you are prepared to attend and give evidence at any Public Inquiry which may be held to determine whether or not the route is in fact a public right of way.
- e. Please tick the appropriate box and complete as necessary.

PERSONAL DETAILS

Surname :

SONES

First Name :

SONIA

Address :

[REDACTED ADDRESS]

Title :

MR	MRS <input checked="" type="checkbox"/>	MISS	MS
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Date of Birth :

Occupation :

Housewife

EVIDENCE

1. (i) Have you used the route on foot ?

YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>
---	-----------------------------

If 'YES', please state inclusive years.

1944 to 1993

(ii) Have you used the route of horseback ?

YES <input type="checkbox"/>	NO <input checked="" type="checkbox"/>
------------------------------	--

If 'YES', please state inclusive years.

19 to 19

(iii) Have you used the route with motor vehicles ?

YES <input type="checkbox"/>	NO <input checked="" type="checkbox"/>
------------------------------	--

If 'YES', please state inclusive years.

19 to 19

2. Did the existence of the route come to your knowledge before you used it ?

YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>
---	-----------------------------

If 'YES', please state the year it first came to your knowledge.

19 to 19

3. Has anybody ever verbally challenged your right to use the route ?

YES <input type="checkbox"/>	NO <input checked="" type="checkbox"/>
------------------------------	--

If 'YES', please specify, giving dates.

4. Have you ever seen any notices or signs on or near to the route marked "Private" or "Keep Out" or any other words which would suggest that the route was not a public right of way?

YES	<input checked="" type="checkbox"/>	NO	<input type="checkbox"/>
-----	-------------------------------------	----	--------------------------

If 'YES', please state the wording here and mark the positions on the attached plan.

5. (ii) Are there now, or have there been, any stiles, gates or footbridges on the path?

YES	<input checked="" type="checkbox"/>	NO	<input type="checkbox"/>
-----	-------------------------------------	----	--------------------------

If 'YES', please mark them on the attached plan.

(iii) If they appeared after the date you first used the route, please specify the year.

19

(iv) If they are no longer in existence, please specify when they disappeared.

19

6. Is the route possible in its present condition?

YES	<input type="checkbox"/>	NO	<input checked="" type="checkbox"/>
-----	--------------------------	----	-------------------------------------

If 'NO' mark the obstruction(s) on the attached plan and describe it/them in writing here:

overgrown

7. Is there any further relevant information?

YES	<input type="checkbox"/>	NO	<input type="checkbox"/>
-----	--------------------------	----	--------------------------

If 'YES', please continue on the back of the plan if insufficient room here.

DECLARATION

I declare that to the best of my knowledge and belief all the particulars given above are true and accurate.

Signature	
Date	1-4-95

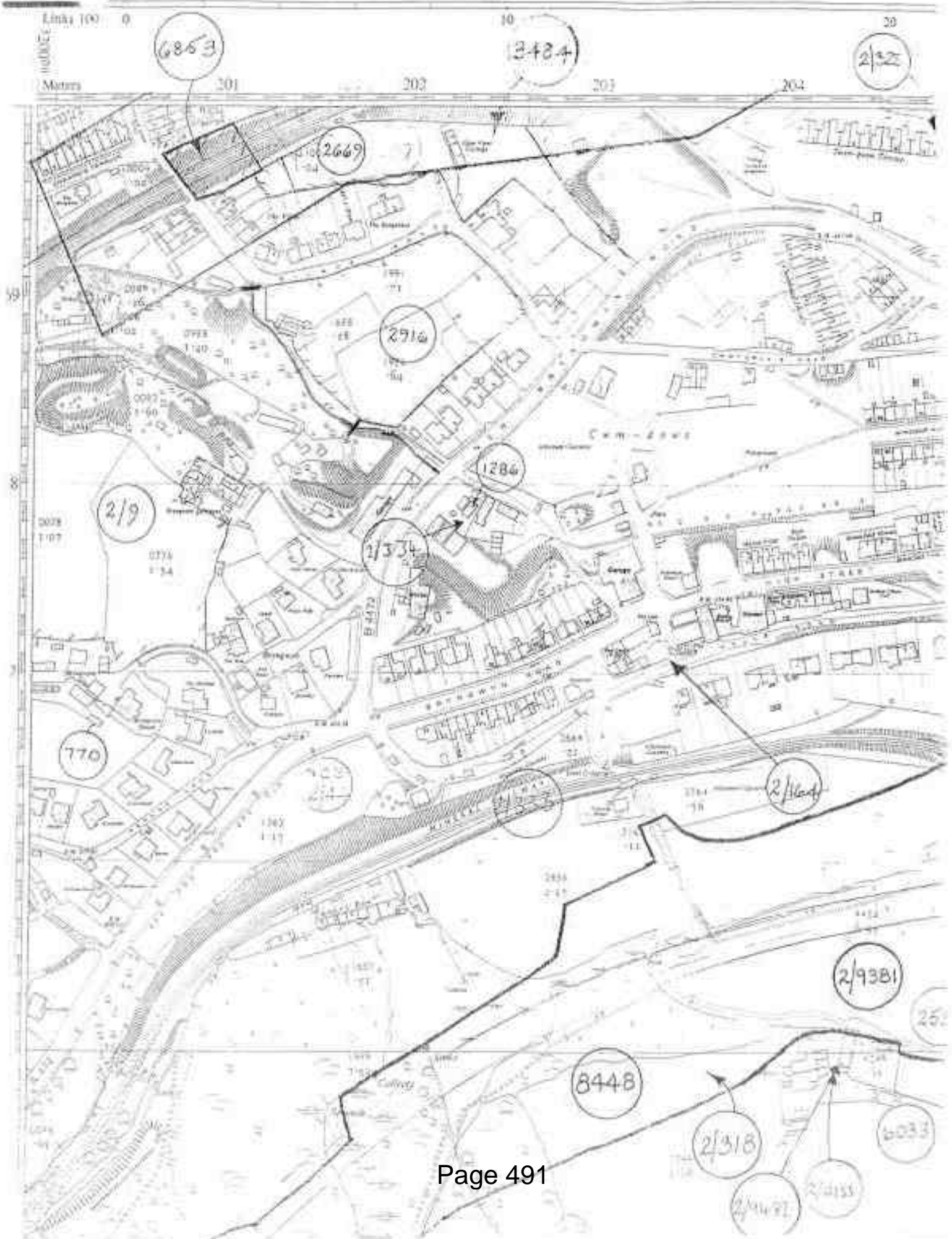
This form when completed should be returned to the
County Planning Officer, County Hall, Cwmbran, Gwent, NP24 2XF.

N ST 2096 & PLAN ST 2196

PARCEL NUMBERS AND ACREAGES

The number and acreage of each parcel of land is shown within the boundary identifying a parcel, in cases where the number is not on the plan it is on this

IN PARCELS DIVIDED BY THE SHEET EDGE
ACREAGES ARE SHOWN TO SHEET EDGE



**GWENT COUNTY COUNCIL
PUBLIC RIGHTS OF WAY EVIDENCE FORM**

PLEASE READ THE FOLLOWING NOTES BEFORE FILLING IN THIS FORM

- a. The questions on this form relate to the alleged right of way shown on the attached plan ONLY - called "the route" on this form.
- b. Please do not fill in this form unless you have used the route.
- c. If you have used part only of the route, please mark clearly on the plan which part you have used and answer the questions on this form in relation to that part only.
- d. You should only fill in this form if you are prepared to attend and give evidence at any Public Inquiry which may be held to determine whether or not the route is in fact a public right of way.
- e. Please tick the appropriate box and complete as necessary.

PERSONAL DETAILS

Surname :

First Name :

Address :

Title MR MRS MISS MS

Date of Birth

Occupation

EVIDENCE

1. (i) Have you used the route on foot ? YES NO

If 'YES', please state inclusive years: to

(ii) Have you used the route on horseback ? YES NO

If 'YES', please state inclusive years: to

(iii) Have you used the route with motor vehicles ? YES NO

If 'YES', please state inclusive years: to

2. Did the existence of the route come to your knowledge before you used it ? YES NO

If 'YES', please state the year it first came to your knowledge: to

3. Has anybody ever verbally challenged your right to use the route ? YES NO

If 'YES', please specify, giving dates:

4. Have you ever seen any notices or signs on or near to the route marked "Private" or "Keep Out" or any other words which would suggest that the route was not a public right of way?

YES	NO
-----	----

If 'YES', please state the wording here and mark the positions on the attached plan.

5. (i) Are there now, or have there been, any stiles, gates or footbridges on the path?

YES	NO
-----	----

If 'YES', please mark them on the attached plan.

(ii) If they appeared after the date you first used the route, please specify the year.

19

(iii) If they are no longer in existence, please specify when they disappeared.

19

6. Is the route passable in its present condition?

YES	NO
-----	----

If 'NO' mark the obstruction(s) on the attached plan and describe it/them in writing here.

OVERGROWN

7. Is there any further relevant information?

YES	NO
-----	----

If 'YES', please continue on the back of the plan if insufficient room here.

DECLARATION

I declare that to the best of my knowledge and belief all the particulars given above are true and accurate.

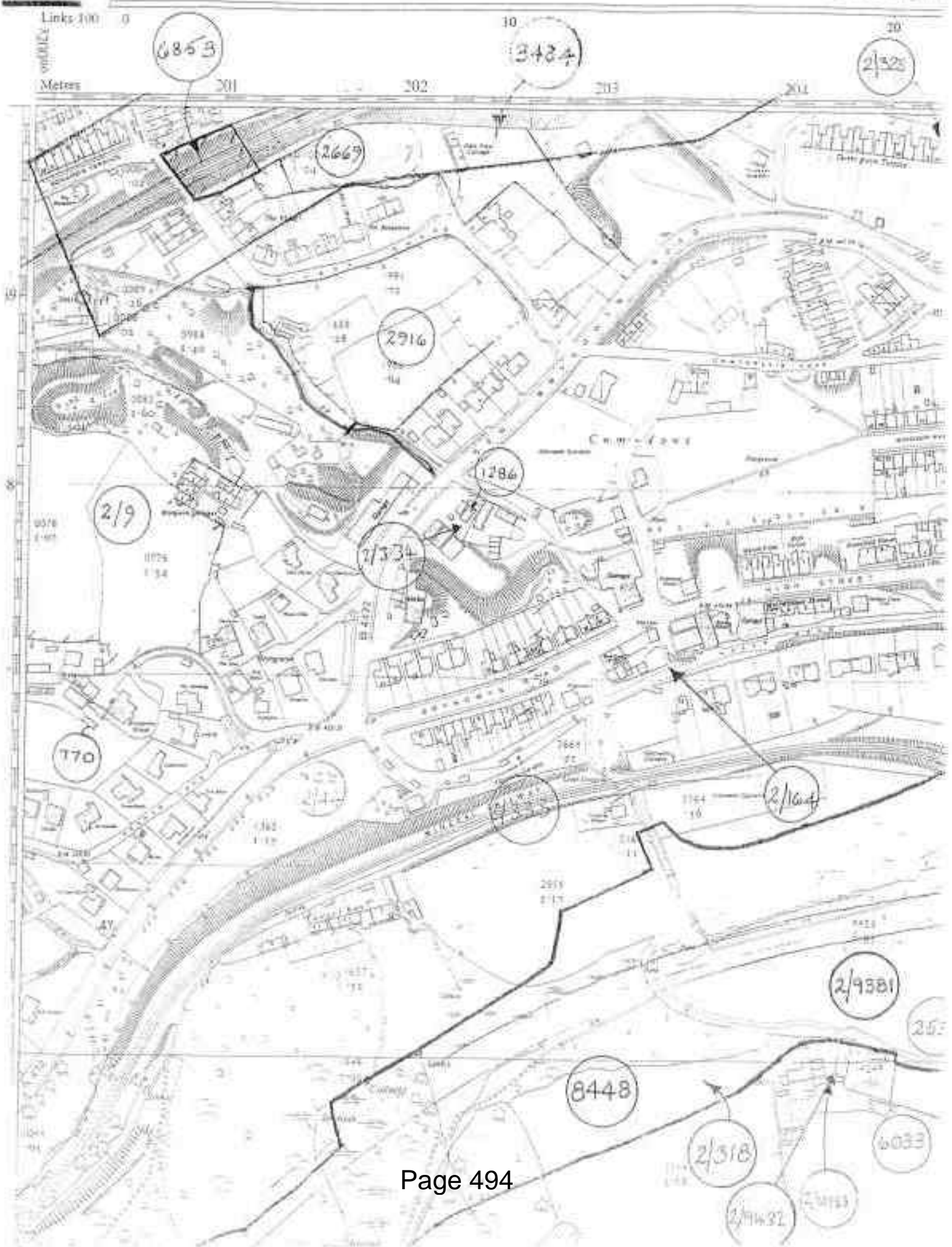
Signature	
Date	

This form when completed should be returned to the
County Planning Officer, County Hall, Cwmbran, Gwent, NP44 2XF

N ST 2096 & PLAN ST 2196

FARCEL NUMBERS AND ACREAGES
The number and acreage of each parcel of land is shown within the parcel when identifying a parcel in space; the number is of the plan; the acreage is of the parcel.

IN PARCELS DIVIDED BY THE SHEET EDGE ACREAGES ARE SHOWN TO SHEET EDGE.



**GWENT COUNTY COUNCIL
PUBLIC RIGHTS OF WAY EVIDENCE FORM**

PLEASE READ THE FOLLOWING NOTES BEFORE FILLING IN THIS FORM

- a. The questions on this form relate to the alleged right of way shown on the attached plan ONLY - called "the route" on this form.
- b. Please do not fill in this form unless you have used the route.
- c. If you have used part only of the route, please mark clearly on the plan which part you have used and answer the questions on this form in relation to that part only.
- d. You should only fill in this form if you are prepared to attend and give evidence at any Public Inquiry which may be held to determine whether or not the route is in fact a public right of way.
- e. Please tick the appropriate box and complete as necessary.

PERSONAL DETAILS

Surname :

First Name :

Address :

Title MR MRS MISS MS

Date of Birth

Occupation

EVIDENCE

1. (i) Have you used the route on foot ? YES NO

If 'YES', please state inclusive years.

(ii) Have you used the route of horseback ? YES NO

If 'YES', please state inclusive years.

(iii) Have you used the route with motor vehicles ? YES NO

If 'YES', please state inclusive years.

2. Did the existence of the route come to your knowledge before you used it ? YES NO

If 'YES', please state the year it first came to your knowledge.

3. Has anybody ever verbally challenged your right to use the route ? YES NO

If 'YES', please specify, giving dates.

4. Have you ever seen any notices or signs on or near to the route marked "Private" or "Keep Out" or any other words which would suggest that the route was not a public right of way?

YES	<input checked="" type="checkbox"/>	NO	<input type="checkbox"/>
-----	-------------------------------------	----	--------------------------

If "YES", please state the wording here and mark the positions on the attached plan.

5. (i) Are there now, or have there been, any stiles, gates or footbridges on the path?

YES	<input checked="" type="checkbox"/>	NO	<input type="checkbox"/>
-----	-------------------------------------	----	--------------------------

If "YES", please mark them on the attached plan.

(ii) If they appeared after the date you first used the route, please specify the year.

19	<input checked="" type="checkbox"/>
----	-------------------------------------

(iii) If they are no longer in existence, please specify when they disappeared.

19	<input checked="" type="checkbox"/>
----	-------------------------------------

6. Is the route possible in its present condition?

YES	<input type="checkbox"/>	NO	<input checked="" type="checkbox"/>
-----	--------------------------	----	-------------------------------------

If "NO" mark the obstruction(s) on the attached plan and describe it/them in writing here:

There is a stile like fence which is awkward to cross — ideal would be easier access and a more secure pathway, as this route is the safest way down for pedestrians. (There are no other pathways for pedestrians on Gilboa Road.)

7. Is there any further relevant information?

YES	<input checked="" type="checkbox"/>	NO	<input checked="" type="checkbox"/>
-----	-------------------------------------	----	-------------------------------------

If "YES", please continue on the back of the plan if insufficient room here.

DECLARATION

I declare that to the best of my knowledge and belief all the particulars given above are true and accurate.

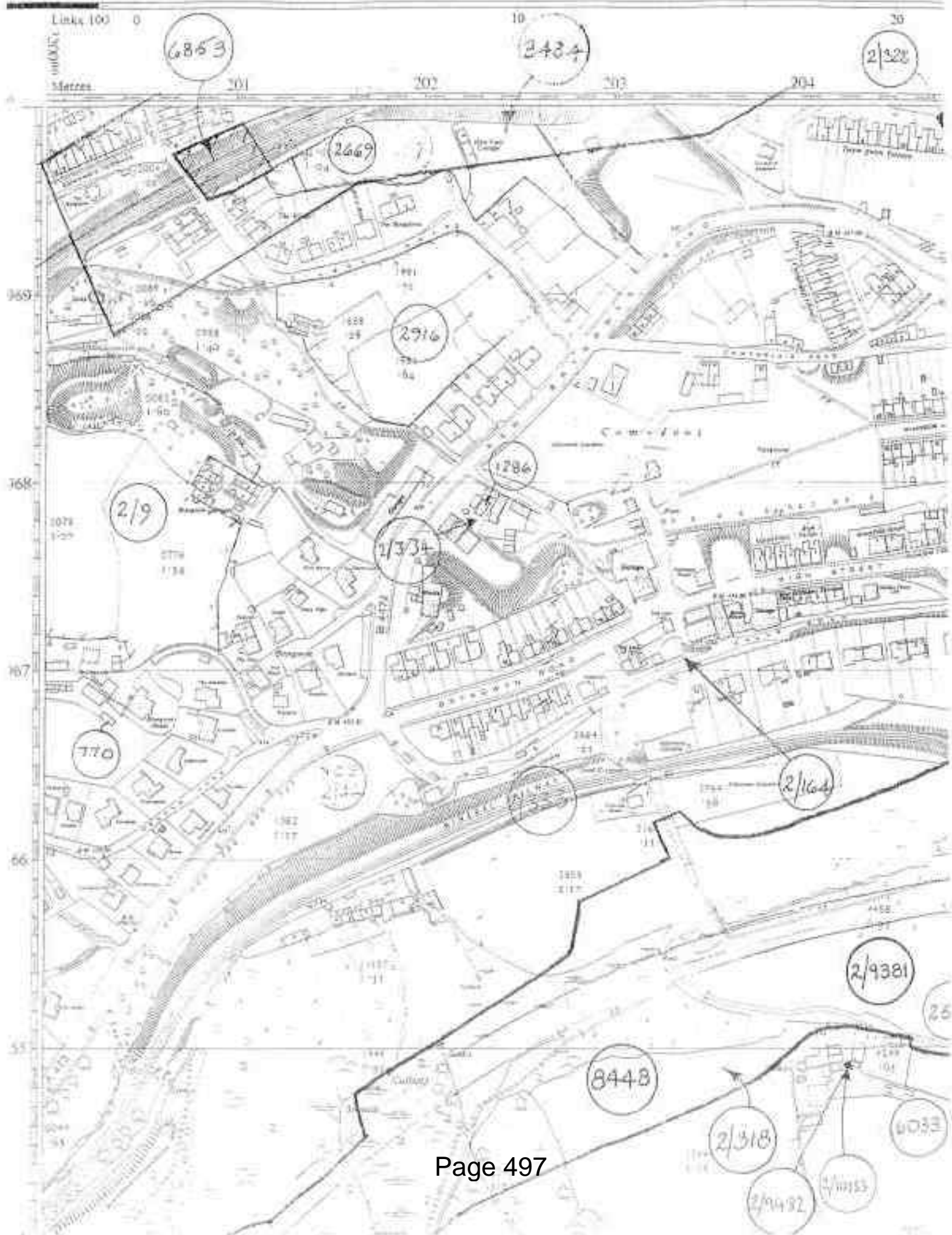
Signature	
Date	2-7-93

This form when completed should be returned to the
County Planning Officer, County Hall, Cwmbran, Gwent, NP44 2XF

N ST 2096 & PLAN ST 2196

PARCEL NUMBERS AND ACREAGES
The number and acreage of each parcel of land is shown within the parcel, when identified a parcel is circled in pencil the number (s) of the plan (s) on which

IN PARCELS DIVIDED BY THE SHEET EDGE
ACREAGES ARE SHOWN TO SHEET EDGE



**GWENT COUNTY COUNCIL
PUBLIC RIGHTS OF WAY EVIDENCE FORM**

PLEASE READ THE FOLLOWING NOTES BEFORE FILLING IN THIS FORM.

- a. The questions on this form relate to the alleged right of way shown on the attached plan ONLY - called "the route" on this form.
- b. Please do not fill in this form unless you have used the route.
- c. If you have used part only of the route, please mark clearly on the plan which part you have used and answer the questions on this form in relation to that part only.
- d. You should only fill in this form if you are prepared to attend and give evidence at any Public Inquiry which may be held to determine whether or not the route is in fact a public right of way.
- e. Please tick the appropriate box and complete as necessary.

PERSONAL DETAILS

Surname :

First Name :

Address :

Title: MR MRS MISS MS

Date of Birth:

Occupation:

EVIDENCE

1. (i) Have you used the route on foot ? YES NO

 if 'YES', please state inclusive years.

(ii) Have you used the route of horseback ? YES NO

 if 'YES', please state inclusive years.

(iii) Have you used the route with motor vehicles ? YES NO

 if 'YES', please state inclusive years.

2. Did the existence of the route come to your knowledge before you used it ? YES NO

 if 'YES', please state the year it first came to your knowledge.

3. Has anybody ever verbally challenged your right to use the route ? YES NO

 if 'YES', please specify, giving dates:

4. Have you ever seen any notices or signs on or near to the route marked "Private" or "Keep Out" or any other words which would suggest that the route was not a public right of way?

YES		NO	
-----	--	----	--

If "YES", please state the wording here and mark the positions on the attached plan.

5. (i) Are there now, or have there been, any stiles, gates or footbridges on the path?

YES	<input checked="" type="checkbox"/>	NO	
-----	-------------------------------------	----	--

If "YES", please mark them on the attached plan.

(ii) If they appeared after the date you first used the route, please specify the year.

19

(iii) If they are no longer in existence, please specify when they disappeared.

19

6. Is the route passable in its present condition?

YES		NO	<input checked="" type="checkbox"/>
-----	--	----	-------------------------------------

If "NO" mark the obstruction(s) on the attached plan and describe it/them in writing here.

7. Is there any further relevant information?

YES		NO	
-----	--	----	--

If "YES", please continue on the back of the plan if insufficient room here.

DECLARATION

I declare that to the best of my knowledge and belief all the particulars given above are true and accurate.

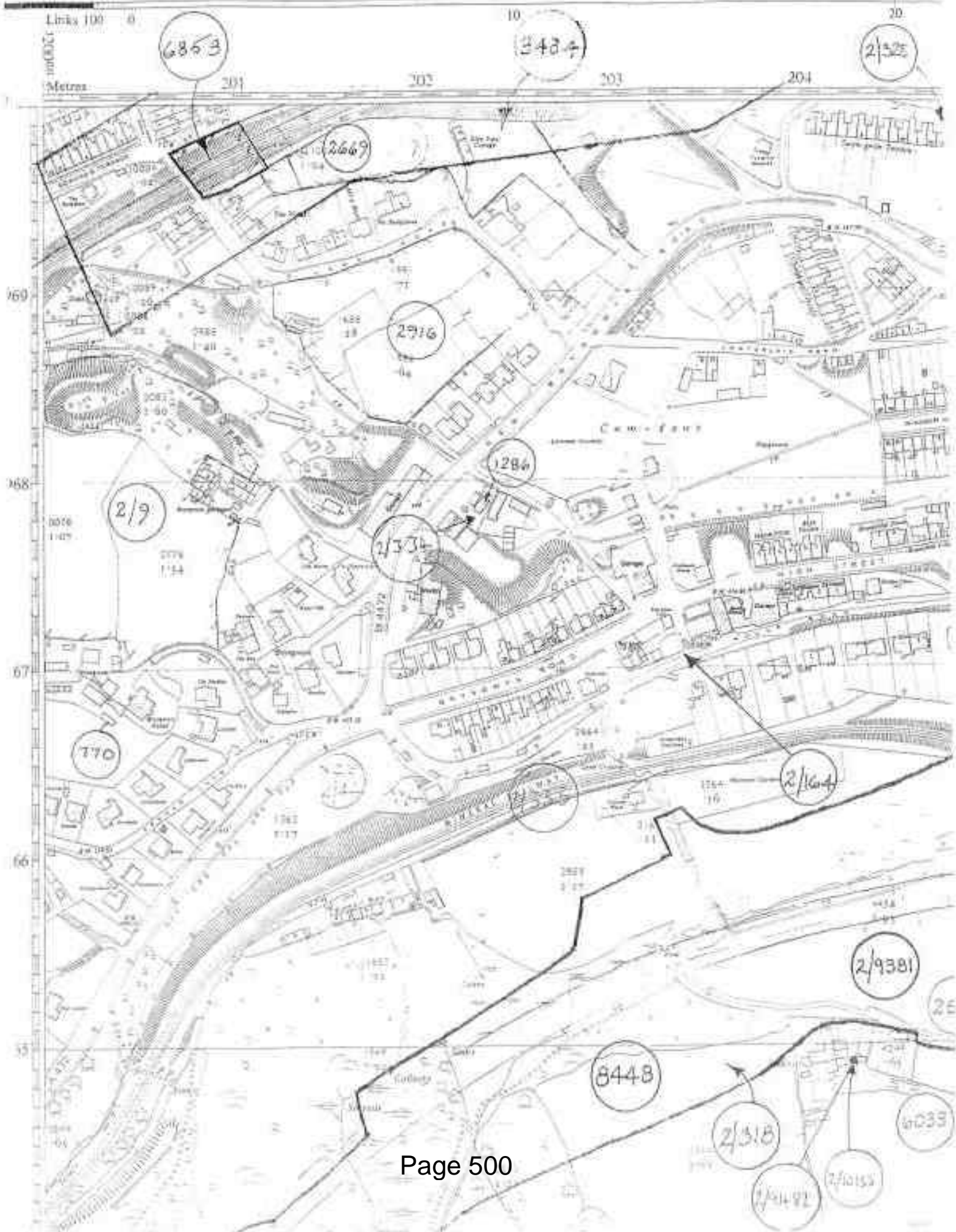
Signature	
Date	2.7.93

This form when completed should be returned to the
County Planning Officer, County Hall, Cwmbran, Gwent, NP44 2XF.

N ST 2096 & PLAN ST 2196

PARCEL NUMBERS AND ACREAGES
The number and acreage of each piece of land is shown within the parcel when identifying a parcel, to specify the number(s) of the plan(s) on which

IN PARCELS DIVIDED BY THE SHEET EDGE
ACREAGES ARE SHOWN TO SHEET EDGE



**GWENT COUNTY COUNCIL
PUBLIC RIGHTS OF WAY EVIDENCE FORM**

PLEASE READ THE FOLLOWING NOTES BEFORE FILLING IN THIS FORM

- a. The questions on this form relate to the alleged right of way shown on the attached plan ONLY - called "the route" on this form.
- b. Please do not fill in this form unless you have used the route.
- c. If you have used part only of the route, please mark clearly on the plan which part you have used and answer the questions on this form in relation to that part only.
- d. You should only fill in this form if you are prepared to attend and give evidence at any Public Inquiry which may be held to determine whether or not the route is in fact a public right of way.
- e. Please tick the appropriate box and complete as necessary.

PERSONAL DETAILS

Surname : CHARLES

First Name : COURTENAY

Address : [REDACTED]

Title :

MR	<input checked="" type="checkbox"/>	MRS	<input type="checkbox"/>	MISS	<input type="checkbox"/>	MS	<input type="checkbox"/>
----	-------------------------------------	-----	--------------------------	------	--------------------------	----	--------------------------

Date of Birth : _____

Occupation : RETIRED

EVIDENCE

1. (i) Have you used the route on foot ? YES NO
 If 'YES', please state inclusive years. 1950 to 1978

(ii) Have you used the route of horseback ? YES NO
 If 'YES', please state inclusive years. 19 to 19

(iii) Have you used the route with motor vehicles ? YES NO
 If 'YES', please state inclusive years. 19 to 19

2. Did the existence of the route come to your knowledge before you used it ? YES NO
 If 'YES', please state the year it first came to your knowledge. 1926 to 19

3. Has anybody ever verbally challenged your right to use the route ? YES NO
 If 'YES', please specify, giving dates.

4. Have you ever seen any notices or signs on or near to the route marked "Private" or "Keep Out" or any other words which would suggest that the route was not a public right of way?

YES		NO	<input checked="" type="checkbox"/>
-----	--	----	-------------------------------------

If 'YES', please state the wording here and mark the positions on the attached plan.

5. (i) Are there now, or have there been, any stiles, gates or footbridges on the path?

YES	<input checked="" type="checkbox"/>	NO	
-----	-------------------------------------	----	--

If 'YES', please mark them on the attached plan.

(ii) If they appeared after the date you first used the route, please specify the year.

19

(iii) If they are no longer in existence, please specify when they disappeared.

19

6. Is the route passable in its present condition?

YES		NO	<input checked="" type="checkbox"/>
-----	--	----	-------------------------------------

If 'NO' mark the obstruction(s) on the attached plan and describe it/them in writing here.

7. Is there any further relevant information?

YES		NO	
-----	--	----	--

If 'YES', please continue on the back of the plan if insufficient room here.

DECLARATION

I declare that to the best of my knowledge and belief the particulars given above are true and accurate.

Signature	
Date	1-7-93

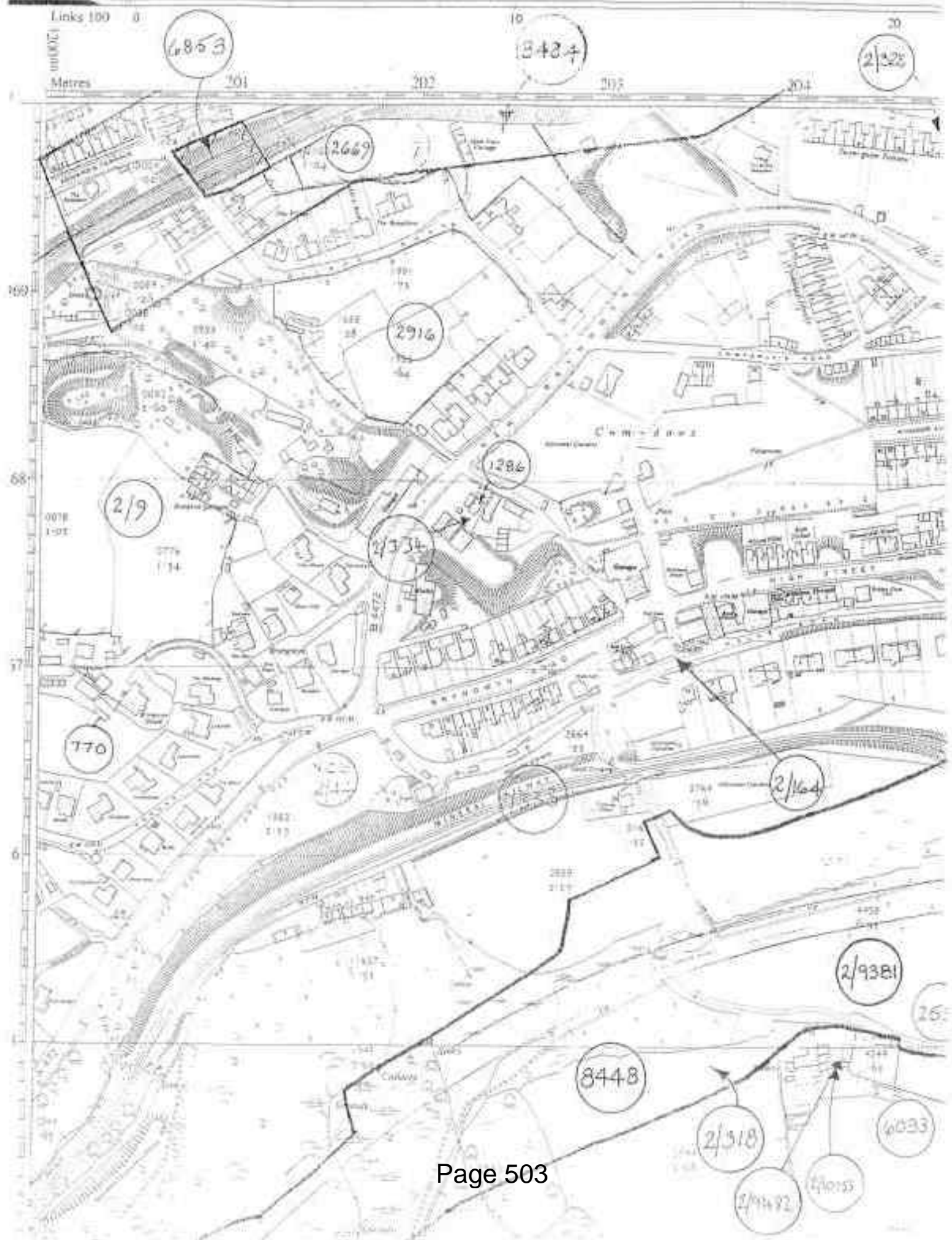
This form when completed should be returned to the
County Planning Officer, County Hall, Cwmbran, Gwent, NP44 2XF

N ST 2096 & PLAN ST 2196

PARCEL NUMBERS AND ACREAGES

The number and acreage of each parcel of land is shown within the plan when identifying a parcel (it specifies the number (1) of the plan (1) on which)

IN PARCELS DIVIDED BY THE SHEET EDGE ACREAGES ARE SHOWN TO SHEET EDGE



**GWENT COUNTY COUNCIL
PUBLIC RIGHTS OF WAY EVIDENCE FORM**

PLEASE READ THE FOLLOWING NOTES BEFORE FILLING IN THIS FORM

- a. The questions on this form relate to the alleged right of way shown on the attached plan ONLY - called "the route" on this form.
- b. Please do not fill in this form unless you have used the route.
- c. If you have used part only of the route, please mark clearly on the plan which part you have used and answer the questions on this form in relation to that part only.
- d. You should only fill in this form if you are prepared to attend and give evidence at any Public Inquiry which may be held to determine whether or not the route is in fact a public right of way.
- e. Please tick the appropriate box and complete as necessary.

PERSONAL DETAILS

Surname : DAVIES

First Name : ALEXANDER THOMAS EDWARD

Address : [REDACTED]

Title

MR	<input checked="" type="checkbox"/>	MRS	
MISS		M5	

Date of Birth

Occupation RETIRED

EVIDENCE

<p>1. (i) Have you used the route on foot ?</p> <p style="padding-left: 20px;">If 'YES', please state inclusive years.</p> <p>(ii) Have you used the route of horseback ?</p> <p style="padding-left: 20px;">If 'YES', please state inclusive years.</p> <p>(iii) Have you used the route with motor vehicles ?</p> <p style="padding-left: 20px;">If 'YES', please state inclusive years.</p>	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td>YES</td> <td style="text-align: center;"><input checked="" type="checkbox"/></td> <td>NO</td> <td></td> </tr> <tr> <td colspan="4" style="text-align: center;">19 28 to 19 93</td> </tr> <tr> <td>YES</td> <td></td> <td>NO</td> <td style="text-align: center;"><input checked="" type="checkbox"/></td> </tr> <tr> <td colspan="4" style="text-align: center;">19 to 19</td> </tr> <tr> <td>YES</td> <td></td> <td>NO</td> <td style="text-align: center;"><input checked="" type="checkbox"/></td> </tr> <tr> <td colspan="4" style="text-align: center;">19 to 19</td> </tr> </table>	YES	<input checked="" type="checkbox"/>	NO		19 28 to 19 93				YES		NO	<input checked="" type="checkbox"/>	19 to 19				YES		NO	<input checked="" type="checkbox"/>	19 to 19			
YES	<input checked="" type="checkbox"/>	NO																							
19 28 to 19 93																									
YES		NO	<input checked="" type="checkbox"/>																						
19 to 19																									
YES		NO	<input checked="" type="checkbox"/>																						
19 to 19																									
<p>2. Did the existence of the route come to your knowledge before you used it ?</p> <p style="padding-left: 20px;">If 'YES', please state the year it first came to your knowledge.</p>	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td>YES</td> <td style="text-align: center;"><input checked="" type="checkbox"/></td> <td>NO</td> <td></td> </tr> <tr> <td colspan="4" style="text-align: center;">19 28 to 19 93</td> </tr> </table>	YES	<input checked="" type="checkbox"/>	NO		19 28 to 19 93																			
YES	<input checked="" type="checkbox"/>	NO																							
19 28 to 19 93																									
<p>3. Has anybody ever verbally challenged your right to use the route ?</p> <p style="padding-left: 20px;">If 'YES', please specify, giving dates.</p>	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td>YES</td> <td></td> <td>NO</td> <td style="text-align: center;"><input checked="" type="checkbox"/></td> </tr> </table>	YES		NO	<input checked="" type="checkbox"/>																				
YES		NO	<input checked="" type="checkbox"/>																						

4. Have you ever seen any notices or signs on or near to the route marked "Private" or "Keep Out" or any other words which would suggest that the route was not a public right of way?

YES NO

If 'YES', please state the wording here and mark the positions on the attached plan.

5. (i) Are there now, or have there been, any stiles, gates or footbridges on the path?

YES NO

If 'YES', please mark them on the attached plan.

(ii) If they appeared after the date you first used the route, please specify the year.

1950^s

(iii) If they are no longer in existence, please specify when they disappeared.

19

BOTTOM STILE IS GONE. TOP STILE STILL EXISTS

6. Is the route possible in the present condition?

WITH DIFFICULTY

YES NO

If 'NO' mark the obstruction(s) on the attached plan and describe it/them in writing here.

7. Is there any further relevant information?

YES NO

If 'YES', please continue on the back of the plan if insufficient room here.

The top end of the path was tipped over when Fields Park Football Club was built. The water from the site was tipped over the top end of the path which meant you had to climb up the steep bank which gets more difficult each year as the rain and water makes it deeper and harder to climb.

DECLARATION

I declare that to the best of my knowledge and belief all the particulars given above are true and accurate.

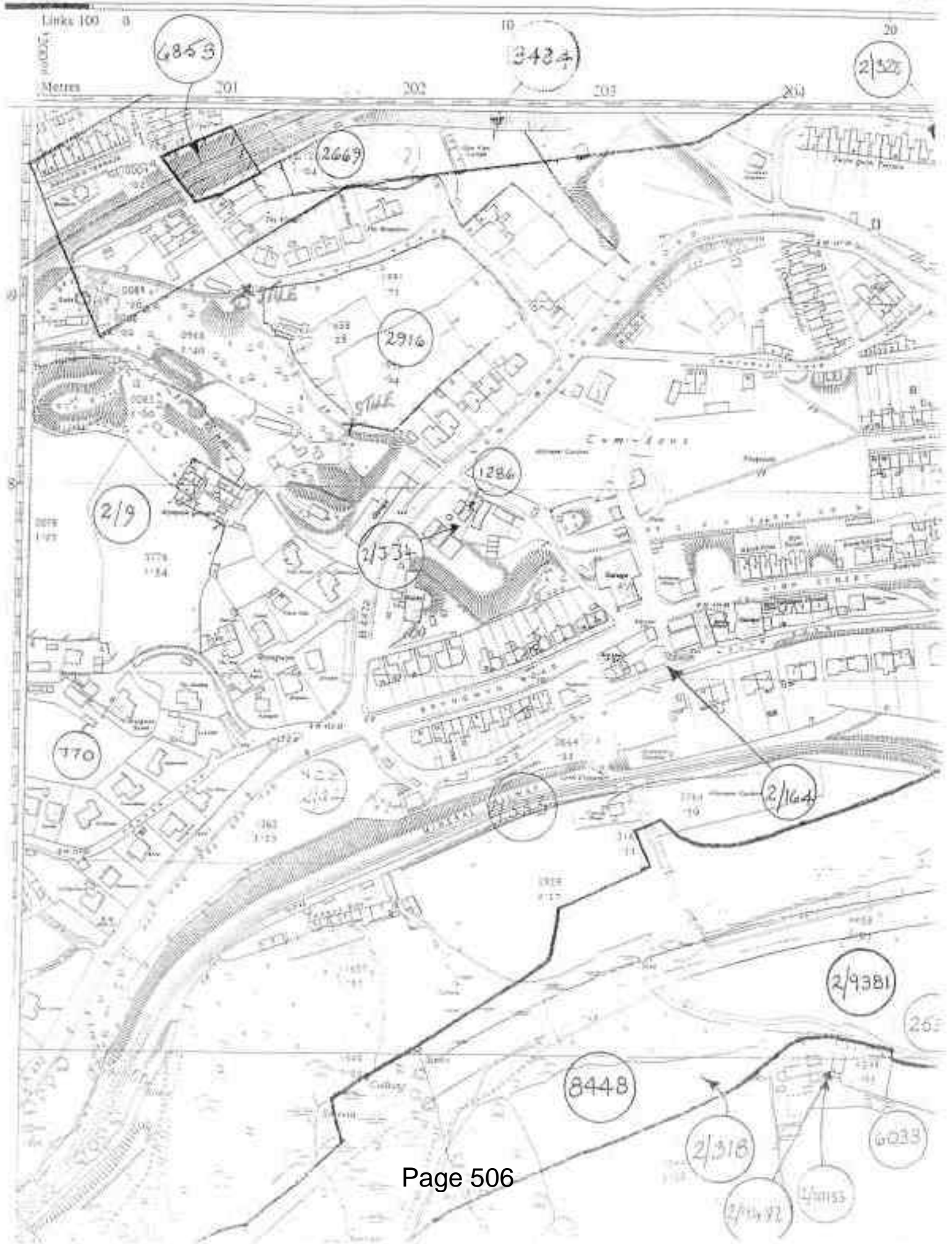
Signature	
Date	1 July 1993

This form when completed should be returned to the
County Planning Officer, County Hall, Cwmbran, Gwent, NP44 2XF.

N ST2096 & PLAN ST2196

PARCEL NUMBERS AND ACREAGES:
The number and acreage of each parcel of land is shown within the plan, after identifying a parcel, in (circle) the number(s) of the plan(s), as at.

IN PARCELS DIVIDED BY THE SHEET EDGE
ACREAGES ARE SHOWN TO SHEET EDGE.



GWENT COUNTY COUNCIL
PUBLIC RIGHTS OF WAY EVIDENCE FORM

PLEASE READ THE FOLLOWING NOTES BEFORE FILLING IN THIS FORM

- a. The questions on this form relate to the alleged right of way shown on the attached plan ONLY - called "the route" on this form.
- b. Please do not fill in this form unless you have used the route.
- c. If you have used part only of the route, please mark clearly on the plan which part you have used and answer the questions on this form in relation to that part only.
- d. You should only fill in this form if you are prepared to attend and give evidence at any Public Inquiry which may be held to determine whether or not the route is in fact a public right of way.
- e. Please tick the appropriate box and complete as necessary.

PERSONAL DETAILS

Surname :

First Name :

Address :

Title MR MRS MISS MS

Date of Birth

Occupation

EVIDENCE

1. (i) Have you used the route on foot ? YES NO

If 'YES', please state inclusive years.

(ii) Have you used the route of horseback ? YES NO

If 'YES', please state inclusive years.

(iii) Have you used the route with motor vehicles ? YES NO

If 'YES', please state inclusive years.

2. Did the existence of the route come to your knowledge before you used it ? YES NO

If 'YES', please state the year it first came to your knowledge.

3. Has anybody ever verbally challenged your right to use the route ? YES NO

If 'YES', please specify, giving dates.

4. Have you ever seen any notices or signs on or near to the route marked "Private" or "Keep Out" or any other words which would suggest that the route was not a public right of way?

YES NO

If "YES", please state the wording here and mark the positions on the attached plan.

5. (i) Are there now, or have there been, any stiles, gates or footbridges on the path?

YES NO

If "YES", please mark them on the attached plan.

(ii) If they appeared after the date you first used the route, please specify the year.

19

(iii) If they are no longer in existence, please specify when they disappeared.

19

6. Is the route passable in its present condition?

YES NO

If "NO" mark the obstruction(s) on the attached plan and describe it/them in writing here.

With some difficulty (See Below)

7. Is there any further relevant information?

YES NO

If "YES", please continue on the back of the plan if insufficient room here.

The stile has been replaced by a gate (kept locked) and a 'go-called' stile. It is not a proper stile in its present form as there is no "cross bar" and is difficult for older people and also people with young children to manoeuvre.

DECLARATION

I declare that to the best of my knowledge and belief all the particulars given above are true and accurate.

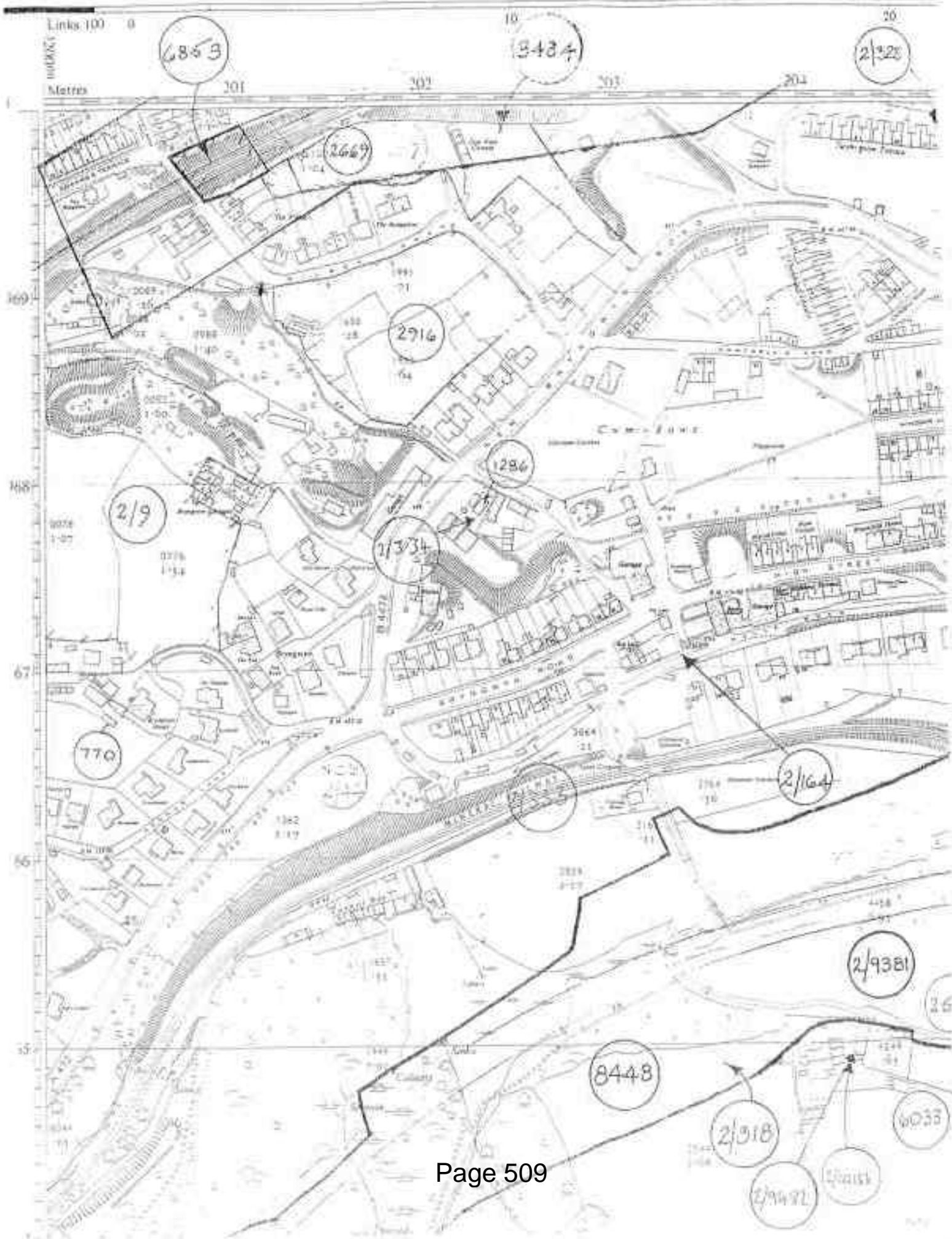
Signature	
Date	5-7-93

This form when completed should be returned to the
County Planning Officer, County Hall, Cwmbran, Gwent, NP44 2XF

N ST 2096 & PLAN ST 2196

PARCEL NUMBERS AND ACREAGES
The number and acreage of each parcel of land is shown within the parcel when identifying a parcel to specify the number(s) of the plan(s) of which

IN PARCELS DIVIDED BY THE SHEET EDGE
ACREAGES ARE SHOWN TO SHEET EDGE



**GWENT COUNTY COUNCIL
PUBLIC RIGHTS OF WAY EVIDENCE FORM**

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- e. Please tick the appropriate box and complete as necessary.

PERSONAL DETAILS

Surname :

First Name :

Address :

Title : MR MRS MISS MS

Date of Birth :

Occupation :

EVIDENCE

1. (i) Have you used the route on foot ? YES NO
 If 'YES', please state inclusive years:

(ii) Have you used the route on horseback ? YES NO
 If 'YES', please state inclusive years:

(iii) Have you used the route with motor vehicles ? YES NO
 If 'YES', please state inclusive years:

2. Did the existence of the route come to your knowledge before you used it ? YES NO
 If 'YES', please state the year it first came to your knowledge:

3. Has anybody ever verbally challenged your right to use the route ? YES NO
 If 'YES', please specify, giving dates:

4. Have you ever seen any notices or signs on or near to the route marked "Private" or "Keep Out" or any other words which would suggest that the route was not a public right of way?

YES		NO	<input checked="" type="checkbox"/>
-----	--	----	-------------------------------------

If "YES", please state the wording here and mark the positions on the attached plan.

5. (i) Are there now, or have there been, any stiles, gates or footbridges on the path?

YES	<input checked="" type="checkbox"/>	NO	
-----	-------------------------------------	----	--

If "YES", please mark them on the attached plan.

(ii) If they appeared after the date you first used the route, please specify the year.

19

(iii) If they are no longer in existence, please specify when they disappeared.

19

6. Is the route passable in its present condition?

YES		NO	<input checked="" type="checkbox"/>
-----	--	----	-------------------------------------

If "NO" mark the obstruction(s) on the attached plan and describe it/them in writing here.

7. Is there any further relevant information?

YES		NO	
-----	--	----	--

If "YES", please continue on the back of the plan if insufficient room here.

DECLARATION

I declare that to the best of my knowledge and belief all the particulars given above are true and accurate.

Signature

Date

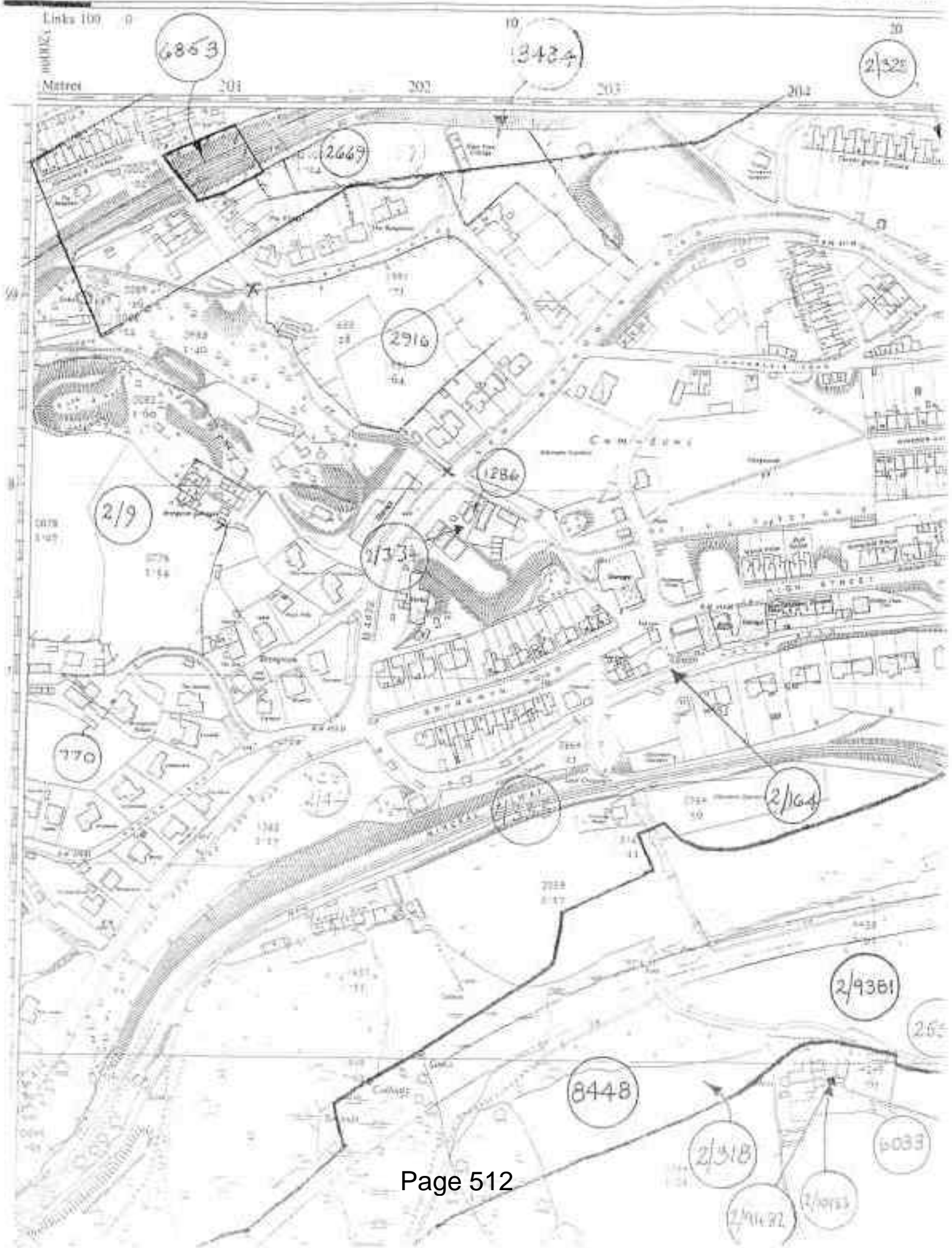
11-7-1993

This form when completed should be returned to the
County Planning Officer, County Hall, Cwmbran, Gwent: NP44 2XF.

N ST 2096 & PLAN ST 2196

PARCEL NUMBERS AND ACREAGES
The number and acreage of each parcel of land is shown within the plan when identifying a parcel to specify the number(s) of the plan(s) on which

IN PARCELS DIVIDED BY THE SHEET EDGE
ACREAGES ARE SHOWN TO SHEET EDGE



PUBLIC RIGHTS OF WAY EVIDENCE FORM

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- e. Please tick the appropriate box and complete as necessary.

PERSONAL DETAILS

Surname :

HALE

First Name :

MABEL

Address :

[REDACTED ADDRESS]

Title

MR MRS MISS MS

Date of Birth

[REDACTED]

Occupation

House wife

EVIDENCE

1. (i) Have you used the route on foot ?

YES NO

If 'YES', please state inclusive years.

1944 to 19 193

(ii) Have you used the route of horseback ?

YES NO

If 'YES', please state inclusive years.

19 to 19

(iii) Have you used the route with motor vehicles ?

YES NO

If 'YES', please state inclusive years.

19 to 19

2. Did the existence of the route come to your knowledge before you used it ?

YES NO

If 'YES', please state the year it first came to your knowledge.

1942 to 19 193

3. Has anybody ever verbally challenged your right to use the route ?

YES NO

If 'YES', please specify, giving dates.

4. Have you ever seen any notices or signs on or near to the route marked "Private" or "Keep Out" or any other words which would suggest that the route was not a public right of way?

YES		NO	<input checked="" type="checkbox"/>
-----	--	----	-------------------------------------

If "YES", please state the wording here and mark the positions on the attached plan.

5. (i) Are there now, or have there been, any stile, gates or footbridges on the path?

YES	<input checked="" type="checkbox"/>	NO	
-----	-------------------------------------	----	--

If "YES", please mark them on the attached plan.

(ii) If they appeared after the date you first used the route, please specify the year.

19

(iii) If they are no longer in existence, please specify when they disappeared.

19

6. Is the route passable in its present condition?

YES		NO	<input checked="" type="checkbox"/>
-----	--	----	-------------------------------------

If "NO" mark the obstruction(s) on the attached plan and describe it/them in writing here.

7. Is there any further relevant information?

YES		NO	
-----	--	----	--

If "YES", please continue on the back of the plan if insufficient room here.

DECLARATION

I declare that to the best of my knowledge and belief all the particulars given above are true and accurate.

Signature	
Date	30 th 11 1993

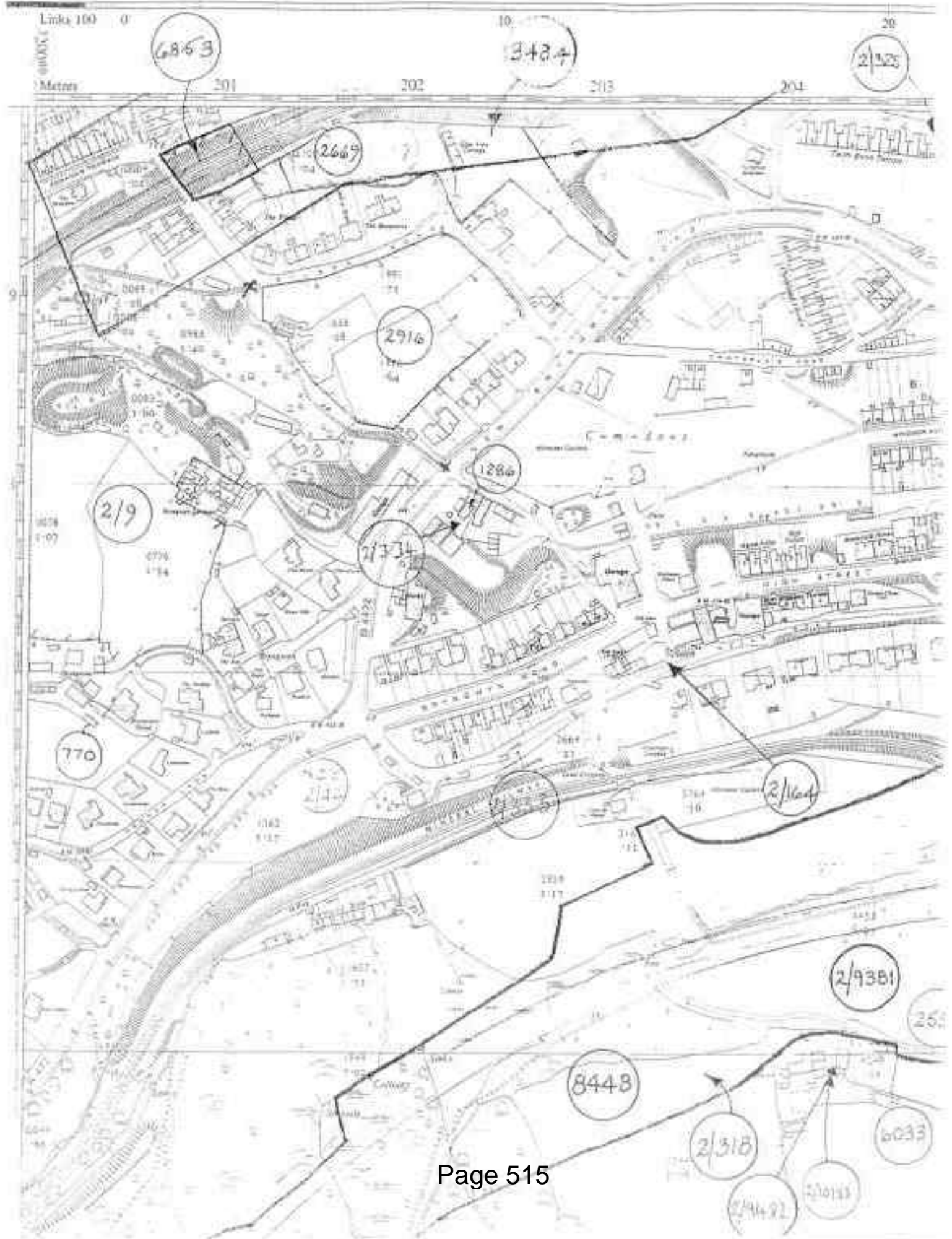
This form when completed should be returned to the
County Planning Officer, County Hall, Cwmbran, Gwent NP44 2XF.

ST 2096 & PLAN ST 2196

PARCEL NUMBERS AND ACREAGES

The number and acreage of each parcel of land is shown within the survey identifying a parcel, or simply the number (1) of the sheet on which

IN PARCELS DIVIDED BY THE SHEET EDGE
ACREAGES ARE SHOWN TO SHEET EDGE



**GWENT COUNTY COUNCIL
PUBLIC RIGHTS OF WAY EVIDENCE FORM**

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- e. Please tick the appropriate box and complete as necessary.

PERSONAL DETAILS

Surname :

HITCHMAN

First Name :

MARIA

Address :



Title

MR

MRS

MISS

MS

Date of Birth

Occupation

HOUSEWIFE

EVIDENCE

1. (i) Have you used the route on foot ?

YES NO

If 'YES', please state inclusive years.

1985 to 1993

(ii) Have you used the route of horseback ?

YES NO

If 'YES', please state inclusive years.

19 to 19

(iii) Have you used the route with motor vehicles ?

YES NO

If 'YES', please state inclusive years.

19 to 19

2. Did the existence of the route come to your knowledge before you used it ?

YES NO

If 'YES', please state the year it first came to your knowledge.

1980 to 1985

3. Has anybody ever verbally challenged your right to use the route ?

YES NO

If 'YES', please specify, giving dates.

4. Have you ever seen any notices or signs on or near to the route marked "Private" or "Keep Out" or any other words which would suggest that the route was not a public right of way?

YES NO

If 'YES', please state the wording here and mark the positions on the attached plan.

5. (i) Are there now, or have there been, any stiles, gates or footbridges on the path?

YES NO

If 'YES', please mark them on the attached plan.

(ii) If they appeared after the date you first used the route, please specify the year:

19

(iii) If they are no longer in existence, please specify when they disappeared.

19

6. Is the route passable in its present condition?

YES NO

If 'NO' mark the obstructions on the attached plan and describe it/them in writing here.

During recent years the existing stile replaced an old wood fence. The stile is inadequate in the way that it is impossible for disabled, elderly or young children to climb as it is insecure and too high. A walk through 'turnstile' gate would be preferred. The gate which is there, alongside the stile, has a padlock on it and cannot be opened.

7. Is there any further relevant information?

YES NO

If 'YES', please continue on the back of the plan if insufficient room here.

Having made the effort to climb the existing stile you then have to clamber through dense overgrowth which during the summer months is ~~very~~ virtually impossible.

DECLARATION

I declare that to the best of my knowledge and belief all the particulars given above are true and accurate.

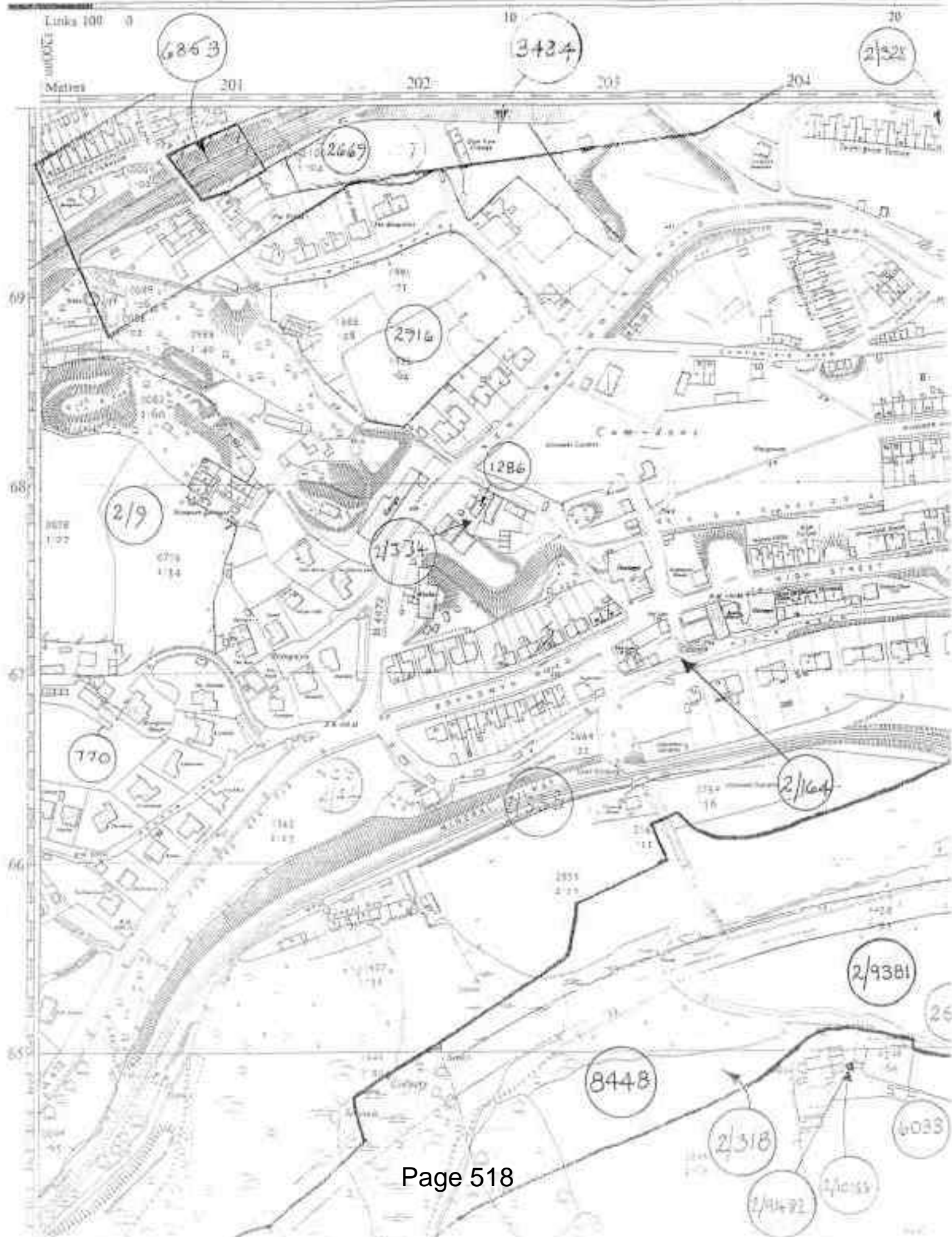
Signature	
Date	2-7-93

This form when completed should be returned to the
County Planning Officer, County Hall, Cwmbran, Gwent, NP44 2XF

PARCEL NUMBERS AND ACREAGES

The number and acreage of each parcel of land is shown within the plan when identifying a parcel, to identify the number(s) of the plan(s) on which

IN PARCELS DIVIDED BY THE SHEET EDGE ACREAGES ARE SHOWN TO SHEET EDGE



**GWENT COUNTY COUNCIL
PUBLIC RIGHTS OF WAY EVIDENCE FORM**

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- e. Please tick the appropriate box and complete as necessary.

PERSONAL DETAILS

Surname :

First Name :

Address :

Title

MR	<input checked="" type="checkbox"/>	MRS	<input type="checkbox"/>	MISS	<input type="checkbox"/>	MS	<input type="checkbox"/>
----	-------------------------------------	-----	--------------------------	------	--------------------------	----	--------------------------

Date of Birth

Occupation

EVIDENCE

1. (i) Have you used the route on foot ?

YES	<input checked="" type="checkbox"/>	NO	<input type="checkbox"/>
-----	-------------------------------------	----	--------------------------

 If 'YES', please state inclusive years.

1942	to	1993
------	----	------

(ii) Have you used the route of horseback ?

YES	<input type="checkbox"/>	NO	<input checked="" type="checkbox"/>
-----	--------------------------	----	-------------------------------------

 If 'YES', please state inclusive years.

19	to	19
----	----	----

(iii) Have you used the route with motor vehicles ?

YES	<input type="checkbox"/>	NO	<input checked="" type="checkbox"/>
-----	--------------------------	----	-------------------------------------

 If 'YES', please state inclusive years.

19	to	19
----	----	----

2. Did the existence of the route come to your knowledge before you used it ?

YES	<input checked="" type="checkbox"/>	NO	<input type="checkbox"/>
-----	-------------------------------------	----	--------------------------

 If 'YES', please state the year it first came to your knowledge.

1942	to	1993
------	----	------

3. Has anybody ever verbally challenged your right to use the route ?

YES	<input type="checkbox"/>	NO	<input checked="" type="checkbox"/>
-----	--------------------------	----	-------------------------------------

 If 'YES', please specify, giving dates.

4. Have you ever seen any notices or signs on or near to the route marked "Private" or "Keep Out" or any other words which would suggest that the route was not a public right of way?

YES		NO	<input checked="" type="checkbox"/>
-----	--	----	-------------------------------------

If 'YES', please state the wording here and mark the positions on the attached plan.

5. (i) Are there now, or have there been, any stiles, gates or footbridges on the path?

YES	<input checked="" type="checkbox"/>	NO	
-----	-------------------------------------	----	--

If 'YES', please mark them on the attached plan.

(ii) If they appeared after the date you first used the route, please specify the year.

19

(iii) If they are no longer in existence, please specify when they disappeared.

19

6. Is the route passable in its present condition?

YES		NO	<input checked="" type="checkbox"/>
-----	--	----	-------------------------------------

If 'NO' mark the obstruction(s) on the attached plan and describe it/them in writing here.

OVERGROWN

7. Is there any further relevant information?

YES		NO	<input checked="" type="checkbox"/>
-----	--	----	-------------------------------------

If 'YES', please continue on the back of the plan if insufficient room here.

DECLARATION

I declare that to the best of my knowledge and belief all the particulars given above are true and accurate.

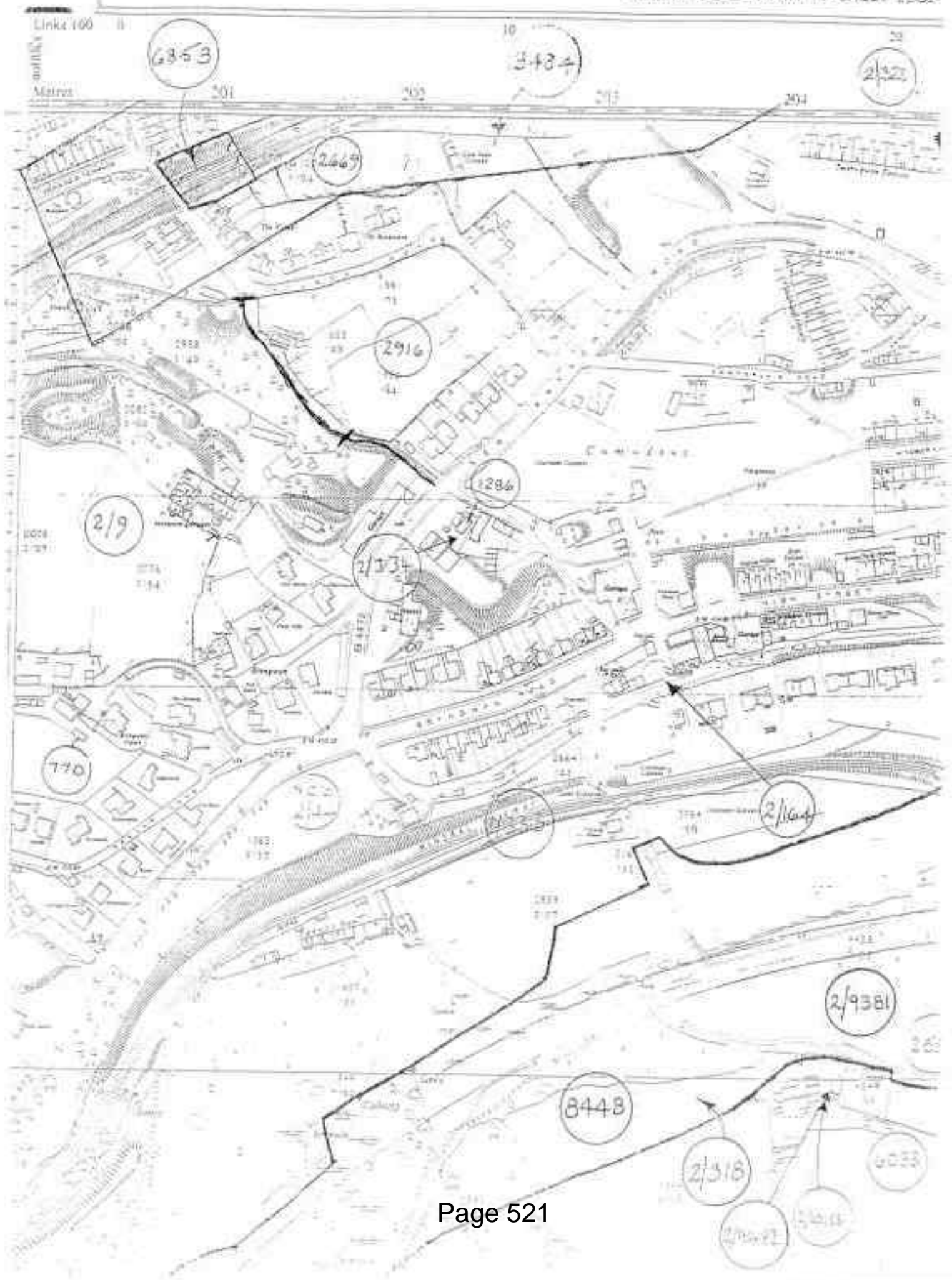
Signature	
Date	1/7/43

This form when completed should be returned to the County Planning Officer, County Hall, Cwmbrân, Gwent. NP44 2XF

2096 & PLAN ST2196

PARCEL NUMBERS AND ACREAGES:
The number and acreage of each parcel of land is shown within the parcel
when identifying a parcel, to specify the number 1, of the sheet 1, 2, or 3.

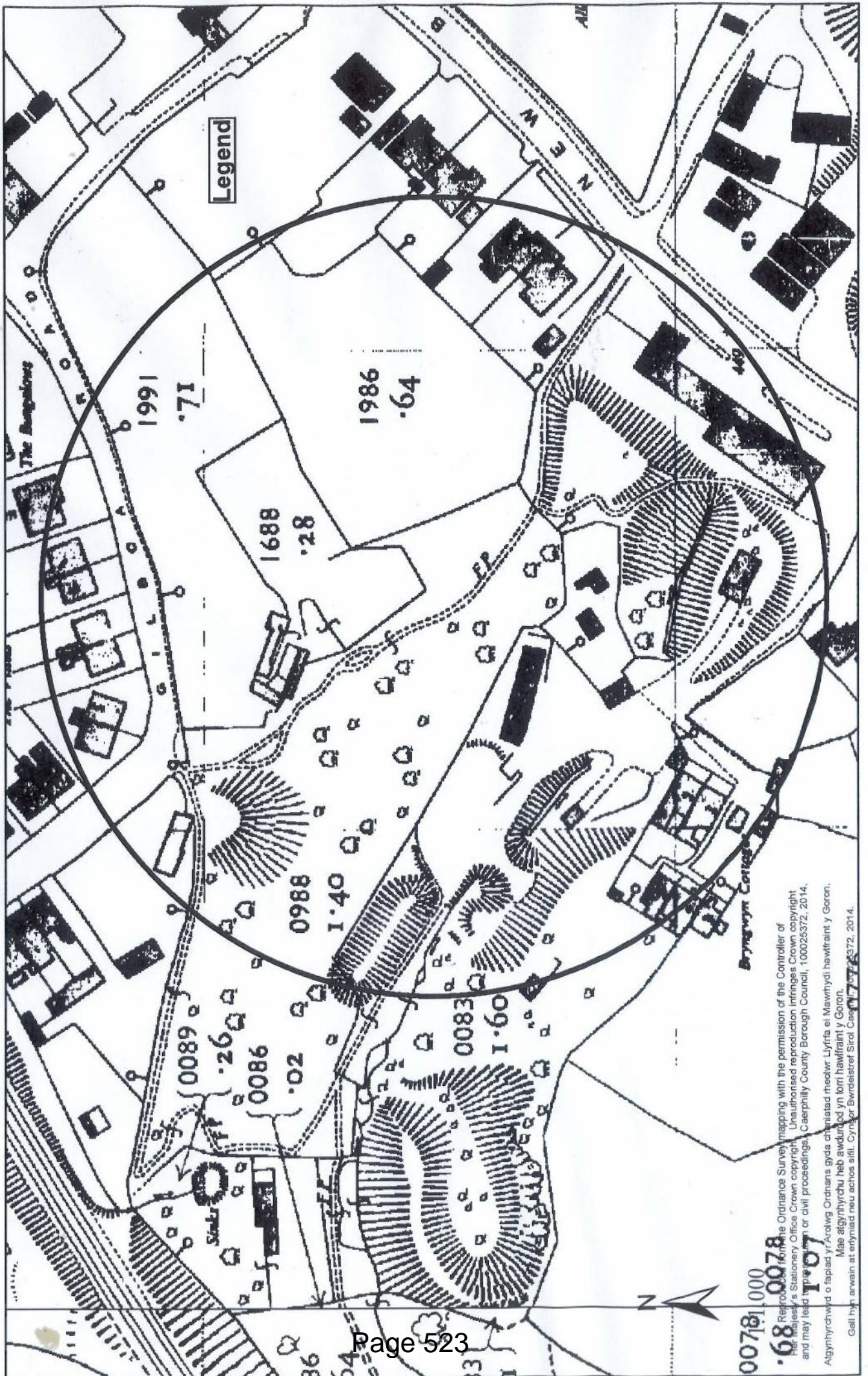
IN PARCELS DIVIDED BY THE SHEET EDGE
ACREAGES ARE SHOWN TO SHEET EDGE.



CROW 90 GILBOA ROAD, NEWBRIDGE

Name	No. of years used path
Mr. R.S. Medcraft	1942-93 = 51 years
Mr. R. Hale	1962-93 = 31 years
Mrs M. Hale	1944-93 = 49 years
Mr. H.E.R. Jones	1952-80 = 32 years
Mrs T.E. Dixon	1938-82 = 44 years
Mr. A.J. Dixon	1948-82 = 34 years
Mrs G. Charles	1950-93 = 43 years
Mr. C. Charles	1950-83 = 43 years
Mrs. L.C.M. Davies	1951-93 = 42 years
Mr. A.T.E. Davies	1928-93 = 65 years
Mrs J. Jones	1944-93 = 49 years
Mr. D. Jones	1944-93 = 49 years
Mr. T. Madden	1945-93 = 48 years
Mrs. B. Madden	1935-93 = 58 years
Mr. R.D. Mathews	1940-93 = 53 years
Mr. D.A. Roberts	1926-80 = 54 years
Mr. E. Lewis	1970-93 = 23 years
Mrs M. Lewis	1970-93 = 23 years
Mr. N. Hitchman	1985-93 = 8 years
Mrs M. Hitchman	1985-93 = 8 years

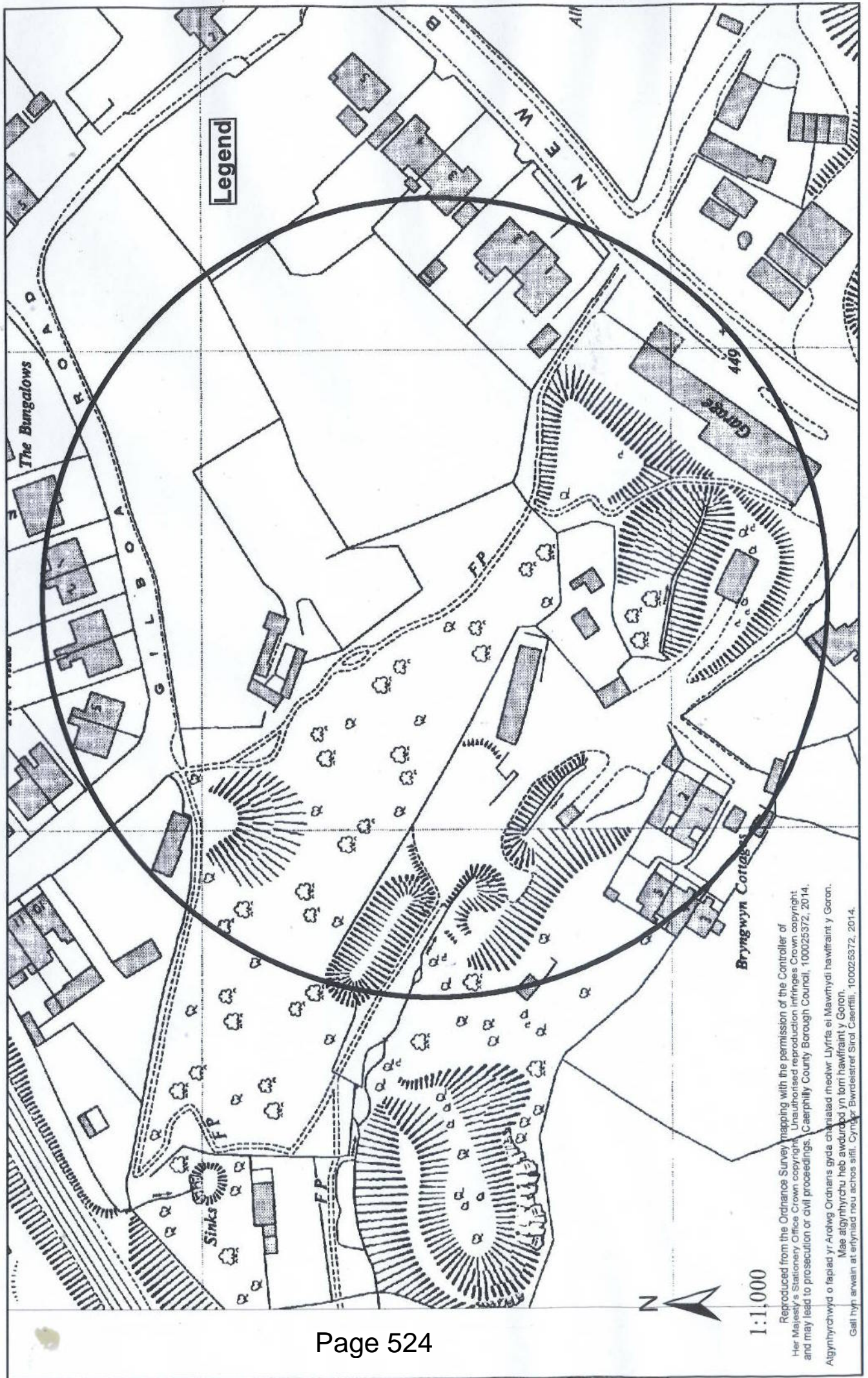
CLAIMED RIGHT OF WAY NO. 90 - GILBOA ROAD TO NEW BRYNGWYN ROAD, NEWBRIDGE
HISTORICAL MAP 1959-1973



0078 1.00
 0068 0.68
 1.07
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 Aigynhychrwyd o faplad yr Arrolwg Ordnans gyda chaniatod meolwr Llyfrfa ei Mawrhydi hawfrant y Goron. Mae atgynhychru heb awdurdod yn torri hawfrant y Goron.
 Gall hyn arwain at enfywiad neu achos sifil. Cynhygwr Byrdeistref Sirol Caerphilly, 100025372, 2014.

CLAIMED RIGHT OF WAY NO. 90 - GILBOA ROAD TO NEW BRYNGWYN ROAD, NEWBRIDGE
HISTORICAL MAP 1959-1992

Caerphilly County Borough Council



1:1,000

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Atgynhychwyd o fapled yr Arrolwg Ordnans gyda chaniatod medwr Llyfrfa ei Mawrnydi hawfrait y Goron. Mae atgynhychu heb awdurdod yn lori hawfrait y Goron. Gall hyn arwain at enfyriad neu achos sifil. Cynllwr: Burdeistref Sirol Caerffili, 100025372, 2014.

CLAIMED RIGHT OF WAY NO. 90 - DEFINITIVE MAP

1:2,500



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RIGHTS OF WAY CABINET – 1ST DECEMBER 2016

SUBJECT: APPLICATION FOR A MODIFICATION ORDER TO AMEND THE MONMOUTHSHIRE COUNTY COUNCIL DEFINITIVE MAP AND STATEMENT OF PUBLIC RIGHTS OF WAY IN RESPECT OF ADDING A PATH IN THE COMMUNITY OF ABERCARN

REPORT BY: INTERIM CHIEF EXECUTIVE

1. PURPOSE OF REPORT

- 1.1 To consider and determine an application to ADD a path to the Definitive Map and Statement in the Community of Abercarn.

2. SUMMARY

- 2.1 The report sets out the evidence regarding the application to ADD footpaths from High Street, adjacent to Oaktree House, crossing Windsor Avenue and proceeding between numbers 76 and 77, then dividing in two, proceeding west to Cwmtorlais Road and east to Tynewydd Terrace adjacent to No. 31 Tynewydd Terrace, Newbridge.
- 2.2 The Authority is under a duty to resolve applications received under the Wildlife and Countryside Act 1981 even if they have been received prior to Local Government Reorganisation as in this instance. The Authority is currently working through the backlog of applications.

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 The Rights of Way Improvement Act has committed the Council to keeping the definitive map and statement under continuous review.
- 3.3 The Well-being of Future Generations (Wales) Act became law in April 2015. The Act is about improving the social, economic, environmental and cultural well-being of Wales. It requires the Authority to closely consider the long term aim to work better with people and communities and each other, look to prevent problems and take a more joined-up approach in our actions.
- 3.4 Links can be made to all seven of the Well Being Goals however of these four are probably relevant, these being:-
- A resilient Wales
 - A healthier Wales
 - A Wales of cohesive communities
 - A globally responsible Wales

Links can be made to include the other three Well Being Goals within the Rights of Way improvement Plan and the Countryside Strategy:-

- A prosperous Wales
- A more equal Wales
- A Wales of vibrant culture and thriving Welsh language:-

In addition to the Well Being of Future Generations Act the Rights of Way network has significant links to a wide range of other Acts and Strategies notably the Countryside and Rights of Way Act 2000, the Countryside Rights of Way improvement Plan (2007), the Caerphilly Countryside Strategy and emerging Caerphilly Active Travel Plan. The network and usage of the network has links to various social, economic and environmental strategies.

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 ADD a path to the definitive map and statement. Document No. 1 gives an explanation of the term “public rights of way” and the role of this Committee.

The application for claimed rights of way leading from High Street, adjacent to Oaktree House, crossing Windsor Avenue and proceeding between numbers 76 and 77, then dividing in two, proceeding west to Cwmtorlais Road and east to Tynewydd Terrace adjacent to No. 31 at Newbridge is being dealt with under the Wildlife and Countryside Act 1981, Section 53(3)(c)(i).

4.2 Introduction

- 4.2.1 An application was received by the former Gwent County Council under Section 53(3)(c)(i) of the Wildlife and Countryside Act 1981 from the then County Councillor Mrs Myra Ellis, who died a number of years ago. The application, submitted on 27th March, 1995, is to modify the Definitive Map and Statement of Monmouthshire County Council by ADDING footpaths leading from High Street adjacent to Oaktree House, crossing Windsor Avenue and proceeding between numbers 76 and 77, then dividing into two, one proceeding west to Cwmtorlais Road and the other east to Tynewydd Terrace adjacent to No. 31.
- 4.2.2 A previous application had been submitted on 2nd November, 1993, but this did not include the path linking Cwmtorlais Road and Tynewydd Terrace which Officers from the former Islwyn Borough Council requested be included. The date when the current right of way first came into question was 27th March, 1995.
- 4.2.3 The location of the claimed right of way is shown on Document No. 2 within the circled area. This has been reproduced from the ordnance survey mapping by use of the Authority's Geographical Information System.
- 4.2.4 The routes of the claimed path can be located in Document No.3 along a bold broken red line shown as A-B; C-D-E; C-D-F. The application W.C.A.5 was received by the Authority on 27th March, 1995. (Document No. 4)
- 4.2.5 The Claimed Right of Way commences from High Street adjacent to Oaktree House, between 18 and 19 Windsor Avenue, crossing Windsor Avenue and proceeding between 76 and 77, then dividing in two, proceeding west to Cwmtorlais Road and east to Tynewydd Terrace adjacent to No. 31. The length of claimed right of way is A-B 60 metres with a width of 1.8 metres and C-D total length of the claimed path is 37 metres with a width of 1.8 metres. E-D 51 metres with a width of 1.4 metres; D-F 50 metres with a section with a width of 1 metre (only available room between wall and fence line) and the remainder with a width of 1.4 metres.

- 4.2.6 The applicant notified the Authority, by submitting Notice W.C.A.7 that she had served notice on the land agents, R.E. Phillips and Partners, whose client is Llanover Estate (Document No. 5).
- 4.2.7 The claim is supported by 24 User Evidence Forms who resided in Windsor Avenue or High Street, Newbridge, who used the footpaths on a regular basis and a sufficient number have used it over 20 years with some nearly 70 years. The footpaths provide very useful links within the community and are well used by local residents.
- 4.2.8 The footpath from High Street to the rear lane of Windsor Avenue has previously been tarmacked and a handrail fitted to the one side.
- 4.2.9 Prior to reorganisation some research was undertaken by the former Gwent County Council on the earlier application and the former Islwyn Borough Council were asked for their views on the application. They confirmed their agreement to the footpaths being included on the Definitive Map and Statement and suggested the additional footpaths from Cwmtorlais Road to Tynewydd Terrace be added.
- 4.2.10 Since the receipt of the application Llanover Estate has sold a small plot of land where the claimed footpath previously crossed next to No. 31 Tynewydd Terrace shown on Document No. 6 as G-F. Since that time local residents have used an alternative path shown on Document No. 6 as G-H. One of the local residents supplied photographs showing the area which had been blocked (Document No. 7).
- 4.2.11 Due to the length of time taken for this application to be completed out of the 24 users who completed evidence user forms only four continue to reside at Windsor Avenue, Newbridge and one in Bryngwyn Road, Newbridge.
- 4.2.12 In 2005 complaints were received regarding a drop in levels from the section of footpath from High Street to the back lane of Windsor Avenue. The Rights of Way Warden resolved this by constructing a small ramp. From the file it can be seen that over the years the Rights of Way Warden has attended to trees and overgrowth affecting this section of the claimed right of way.
- 4.2.13 In an attempt to resolve the claimed right of way correspondence was entered into with the land agents, R.E. Phillips and Partners. Due to the section G-F being unusable a suggestion was put to them to enter into a creation agreement for the claimed route as A-B; C-D-E and D-G-H but no agreement had been reached.
- 4.2.14 Recently the local residents have been complaining about the deteriorating surface of the beginning of the footpath from High Street to the back lane of Windsor Avenue. This was brought to the attention of R.E. Phillips & Partners as it was believed that this footpath was on land owned by Llanover Estate and it was pointed out that they could be held liable if someone should fall on the footpath.
- 4.2.15 A site meeting took place with a representative of R.E. Phillips & Partners where it was discovered that Llanover Estate did not own the land A-B and C-D and only owned the section E-D-G-H.
- 4.2.16 It is believed that the former Abercarn Urban District Council laid a tarmac surface on the sections A-B and C-D. In the previous U.D.C.s local councillors had access to small amounts of funding towards the end of the financial year and quite often arranged to tarmac sections of footpaths used by local residents.
- 4.2.17 However, the section of footpath from High Street to the rear lane is deteriorating and as there are many elderly residents using it there are concerns that they may fall. As this is a claimed right of way the Authority does not have any responsibility to undertake any remedial work. For photographs of the section involved see Document No 8.

- 4.2.18 A Quotation was requested to see if the footpath could be brought up to a maintainable standard in order that it could become an adopted highway under Section 228 of the Highways Act. However, the quote received was too high to accommodate within the Rights of Way budget.
- 4.2.19 R.E. Phillips has agreed that if the remaining evidence users withdraw their application in respect of G-F they will enter into a Creation Order for a footpath E-D-G-H. One evidence user did not use G-F. Letters were sent to the four residents who completed evidence forms seeking their agreement to the foregoing. This has now been received from all four. Steps will be required in the banking at point H leading on to Tynewydd Terrace.
- 4.2.20 It is believed that the section of the remaining claim A-B and C-D is able to be dealt with as a Modification Order, if agreed, and the remainder as a Creation Agreement.
- 4.2.21 Research has been undertaken to determine the validity of the claim by collating any Documentary Evidence available as well as the crucial User Evidence provided by the local residents.

4.3 User Evidence

- 4.3.1 Detailed included in Table 1 (Document No. 9) are the number of years the evidence users used the footpath and the length of time known the footpath. The routes used by the residents differ but it can be seen that the routes were well used by residents who have since left their properties. Several residents were asked by Islwyn Borough to confirm whether or not they had used the additional routes and therefore did not comment on the route A-B. It can be seen that the footpaths have been used from as early as 1936 and some recalled a small brook that they used to cross and others played in when children. The footpaths provide short cuts to the local residents to visit friends/family, catch the bus and to walk into Newbridge for the shops.
- 4.3.2 The users have confirmed that no notices were displayed stating that the path was private and that they had not asked permission to use the path.

4.4 Documentary Evidence

- 4.4.1 The documentary evidence studied in conjunction with the User Evidence is outlined below. During the investigation of a claimed route a near match to the claimed footpath was looked for on all the maps listed below.

Historical Map dated 1873-1888 (Document No. 10)

It can be seen that there is a route from the main road across the ford and up to Cwmtorlais Road.

Historical Map dated 1919-1921 (Document No. 11)

It can be seen from this map that there is a footbridge over the brook which older residents mentioned and that a path exists between the houses and then splits in two i.e. from the back lane to B; C-D; D-E and D-F.

Historical Map dated 1959-1973 (Document No. 12)

It can be seen from this map that the path from the main road has FP on it and where the path reaches up to Tynewydd Terrace.

Historical Map dated 1959-1992 (Document No. 13)

It can be seen from the map that the path from the main road has FP on it and where the path reaches up to Tynewydd Terrace.

Draft Map – (Document No. 14)

It can be seen from this map that there is a path from the main road leading to Windsor Avenue and to the rear of Windsor Avenue.

Definitive Map – (Document No. 15)

The claimed rights of way are identified as a red line.

Aerial Photograph dated 1991 (Document No. 16)

This particular aerial photograph is not that clear but you can pick up the route between the walls of the terraced houses.

Aerial Photograph dated 2001 (Document No. 17)

The claimed right of way can be seen between the houses and can be seen leading up to Tynewydd Terrace.

Aerial Photograph dated 2004-5 (Document No. 18)

The claimed right of way can be seen between the houses and can be seen at the back of Windsor Avenue leading up to Tynewydd Terrace. This has changed the line of the claimed route D-G-F and residents are using an alternative path up to Tynewydd Terrace D-G-H.

Aerial Photograph dated 2006 (Document No. 19)

The claimed right of way can be seen between the houses and running at the back of Windsor Avenue. However, the garden of No. 31 Tynewydd Terrace has been extended and there is a gap leading up to Tynewydd Terrace.

Aerial Photograph dated 2010 (Document No. 20)

The claimed right of way can be seen between the houses and running at the back of North Road. The path can be seen at the rear of Windsor Avenue and leading through the gap up to Tynewydd Terrace.

Aerial Photograph dated 2014 (Document No. 21)

The claimed right of way can now be seen from the main road and leading across between the houses. Again a path can be seen leading up to Tynewydd Terrace.

Photographic Evidence

Photographs of all of the route (Document No 22).

Llanover Estate sold a plot of land next to No. 31 Tynewydd Terrace upon which the claimed right of way had crossed. This area of land has now become part of the garden of No. 31 Tynewydd Terrace and large gates have been installed thereby preventing any access. As the users were unable to gain access they took an alternative route G-H. The photographs show the condition of the footpath and how it narrows in sections.

4.5 Land Ownership

- 4.5.1 As mentioned in 4.2.10 there is no known landowner of the claimed right of way A-B-C-D but Llanover Estate own the land which the section of claimed right of way E-D-F crosses. They have agreed to enter into a Creation Agreement for the route D-G-H.

4.5.2 As the section A-B was thought to be in the ownership of Llanover Estate no notices were posted on site by the applicant. Although there does not appear to be a known landowner for this section W.C.A. 6 notices will be posted at either end for a period of one month in order that a landowner may come forward.

4.6 **SUMMARY**

4.6.1 The Authority is using Section 53 (3) (c) (i) of the Wildlife and Countryside Act as the main test of whether or not the claimed right of way should be added to the definitive Map and Statement. This is used when the Authority discovers evidence which (when considered with all other relevant evidence available to them) shows that a right of way which is not shown in the map and statement subsists or is reasonably alleged to subsist over land in the area to which the map relates, being a right of way such that the land over which the right subsists is a public path. However, the Authority is not precluded from also taking into consideration a claimed based on 20 years uninterrupted use. The right must be reasonably alleged to exist.

4.6.2 The Authority has been made aware that evidence exists which suggests that the claimed right of way is a public right of way and has been used as such for many years. The Authority has received an application to add a footpath to the Definitive Map and Statement. Evidence has been submitted that the route has been used by local residents for a considerable number of years.

4.6.3 As detailed in Document 1 the evidence submitted needs to show that the footpath has been used for a period of 20 years without interruption and as a right. The date the footpath first came into question is 2nd November, 1993 and therefore the 20 year period commences from November 1973. There is sufficient evidence to show that the footpaths A-B; C-D and D-F have been used on a regular basis for well over the 20 year period.

4.6.4 From the historical maps it can be seen that footpaths A-B and C-D were available in 1873-88 and 1919-1921. However, on the historical maps 1959-1977 and 1959-1992 the additional footpath E-D-F is shown.

4.6.5 From the aerial photograph 2001 the route D-F can be seen, together with the remainder A-B; C-D and D-E.

4.6.6 From the aerial photograph 2004-5 the route D-F - it can be seen that the extension of the garden of No. 31 Tynewydd Terrace has taken place and the section H-G was being established by the users.

4.6.7 From the aerial photograph 2006 a track can be seen alongside the new boundary of 31 Tynewydd Terrace.

4.6.8 From the aerial photograph 2010 again a track can be seen alongside the new boundary of 31 Tynewydd Terrace.

4.6.9 In the aerial photograph 2014 the track leading up to Tynewydd Terrace is in the shade.

4.6.10 As Llanover Estate have agreed to enter into a Creation Agreement for the footpath E-D-G-H this resolves the problem with the extension of the garden of 31 Tynewydd Terrace. The remainder of the footpath A-B and C-D could then be dealt with by a Modification Order.

4.6.11 The surface of the footpath A-B is a concern due to the probability of the former Urban District Council surfacing the footpath many years ago but it not being added to the Adoption Highway Records. Should an injury be sustained it might be difficult to defend as a previous Authority had resurfaced the footpath with tarmacadum.

5. WELL-BEING OF FUTURE GENERATIONS

5.1 This report contributes to the Well Being Goals as set out in Section 3 earlier.

5.2 The Act not only identifies goals but advocates five ways of working to ensure that the objectives and sustainability are met and this report has been prepared with that in mind.

5.3 Whilst the Public Rights of Way network contributes to all seven Well Being Goals in part the most pertinent four are:-

1. A Resilient Wales

The network extends to over 500 miles and many of these routes have been in place prior to the use of motor vehicles. As such they are often the easiest and most direct routes of access between points. This encourages their use and has benefits in addressing long term issues including health, climate change and poverty all of which assist in making an adaptable but resilient county borough.

2. A Healthier Wales

Usage of the network, be it for recreation or daily business has significant benefits for a physical and mental health and helps address a number of significant health concerns within the county borough notably obesity, cardio vascular and diabetes which are probably problematic in CCBC. Usage of the network is increasing year on year.

3. A Wales of Cohesive Communities

The network links communities and facilities with each other and is usable by the vast majority of residents. A comprehensive and integrated network provides a fully functional and usable access system that benefits all and allows communities to function both directly e.g. ability to access services and individually e.g. through helping prevent or overcome underlying problems such as health and sustainable transport.

4. A Globally Responsible Wales

The carbon impact of the rights of way network is minimal and promotes sustainable transport on a number of counts. Increased local usage has a global effect in terms of slowing climate change and its impacts.

5.4 The provision of access helps meet both short and longer term needs and objectives without prejudicing the viability of the network for future generations. Rights of Way and access are fundamental to the daily life of most people and as such the network integrates and is necessary to meet many objectives of the Authority. The designation process, for rights of way, has involved extensive consultation with communities, groups and individuals and collaboration takes place with other interested parties in terms of the management and maintenance of the network. Formal consultation forms part of these processes, including this report.

6. EQUALITIES IMPLICATIONS

6.1 An Equalities Impact Assessment is not needed because the issues covered are for information purposes only, therefore the Council's full EIA process does not need to be applied.

7. FINANCIAL IMPLICATIONS

- 7.1 The cost of a Modification Order should Members resolve to support the application, is in the region of £1,800.00. If it is agreed to enter into a Creation Agreement with Llanover Estate the Authority will be responsible for the reasonable legal costs of the Creation Agreement and the cost of constructing steps.
- 7.2 As this is a very old application and the landowners are agreeable to a Creation Agreement it is very doubtful that if a Modification Order is made that any objections would be received. However, it should be noted that if a Modification Order is made and objections received and not withdrawn this may result in a public inquiry. This cost of which may exceed £10,000.

8. PERSONNEL IMPLICATIONS

- 8.1 None.

9. CONSULTATIONS

- 9.1 For List of Consultees see Appendix 1.
- 9.2 The Ward Members, Cllrs. Ackerman, Baker and Johnson all support the application to add this footpath to the Definitive Map and Statement.
- 9.3 A letter has been received from Openreach BT who have apparatus in the area but will not object to the application to add this footpath to the Definitive Map and Statement but insist on maintaining their rights under the appropriate legislation.

10. RECOMMENDATIONS

- 10.1 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 footpath be registered and make a Modification Order for A-B and C-D enter into a Creation Agreement with Llanover Estate for E-D-G-H.
 - ii) Rejecting the claim.

11. REASONS FOR THE RECOMMENDATIONS

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

12. STATUTORY POWER

- 12.1 Wildlife and Countryside Act 1981. This is a Council function delegated to this Committee.

Author: Mrs. June E. Piper, CROW Support Officer
Consultees: See Appendix 1

List of Documents:

1. Description of Rights of Way Document No. 1
2. Location Plan Document No. 2

3. Plan showing claimed right of way Document No. 3
4. Application Form WCA5 submitted by Cllr Mrs. Ellis Document No. 4
5. Form WCA7 served on landowner Document No. 5
6. Plan showing the claimed right of way together with the Creation Agreement Document No. 6
7. Photographs supplied by users of the blocked footpath next to 31 Tynwydd Terrace Document No. 7.
8. Photographs - Document No. 8
9. Details of Use - Table 1 Document No. 9
10. Historical Map dated 1873-1888 Document No. 10
11. Historical Mapping 1919-1921 Document No. 11
12. Historical Mapping 1959-1973 Document No. 12
13. Historical Mapping 1959-1992 Document No. 13
14. Draft Definitive Map Document No. 14
15. Definitive Map Document No. 15
16. Aerial Photograph 1991 Document No. 16
17. Aerial Photograph 2001 Document No. 17
18. Aerial Photograph 2004-2005 Document No. 18
19. Aerial Photograph 2006 Document No. 19
20. Aerial Photograph 2010 Document No. 20
21. Aerial Photograph 2014 Document No. 21
22. Photographs taken of the route Document No. 22

ETP/ROW/CROW 120 held at Tredomen House

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APPENDIX 1

LIST OF CONSULTEES

Draft report sent to the following for comments:-

LIST OF CONSULTEES

Mr. T. Stephens, Development Control Manager
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 L. Ackerman
Councillor K. R. Baker
Councillor G. Johnson

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ROLE OF COMMITTEE AND TERMS OF PUBLIC RIGHTS OF WAY

- ii) The term "public rights of way" is used to mean paths, tracks and unmetalled roads over which the public have the right to walk and in some cases ride horses and possibly drive motor vehicles.

These may be classified as follows:-

- A **footpath**: over which the right of way is on foot only.
- A **bridleway**: over which there is a right of way on foot and on horseback or leading a horse, and also for the use of a pedal cycle.
- A **byway open to all traffic**: this means a highway over which the public have a right of way for vehicular and all other kinds of traffic, but which is used by the public mainly for the purpose for which footpaths and bridleways are so used.

- iii) The Wildlife and Countryside Act 1981 places a duty on the County Borough Council to keep the existing definitive map under continuous review, make Modification Orders as necessary to take account of the occurrence of events requiring the map to be modified and to prepare definitive maps for any part of the area not previously surveyed.
- iv) The definitive map and statement will be modified by means of Orders made by the surveying authority i.e. the County Borough Council. The Wildlife and Countryside Act enables any person to apply to the surveying authority for an order to amend the definitive map.
- v) The procedure for making such an application is detailed in Schedule 14 of the Wildlife and Countryside Act. The application before you complies with these requirements.
- vi) When determining the application members will be acting in a quasi-judicial capacity. Before making an order, members must be satisfied that the evidence shows, **on the balance of probabilities**, that a right of way of a particular description exists. Each application must be dealt with on its own merits, noting the interests of both the applicants and the landowners.
- vii) This application is concerned with rights that are alleged to exist and not as to whether it would be prudent or beneficial to create them. The suitability of a way for users who have a right to use it, for example the nuisance that they are alleged to cause are not factors that should be considered by the Committee. **Members are also required to view the route of the proposed right of way in question.**

- viii) When considering the evidence that follows, members must be aware of the provisions of Section 31 of the Highways Act 1980 thus enabling members to determine whether there is sufficient weight of evidence to make an order.

Section 31 of the Highways Act states:-

"where a way over any land other than a way of such a character that use of it by the public could not be given rise at common law to any presumption of dedication, has been actually enjoyed by the public as a right and without interruption for a full period of 20 years, the way is to be deemed to have been dedicated a highway unless there is sufficient evidence that there was no intention during that period to dedicate it."

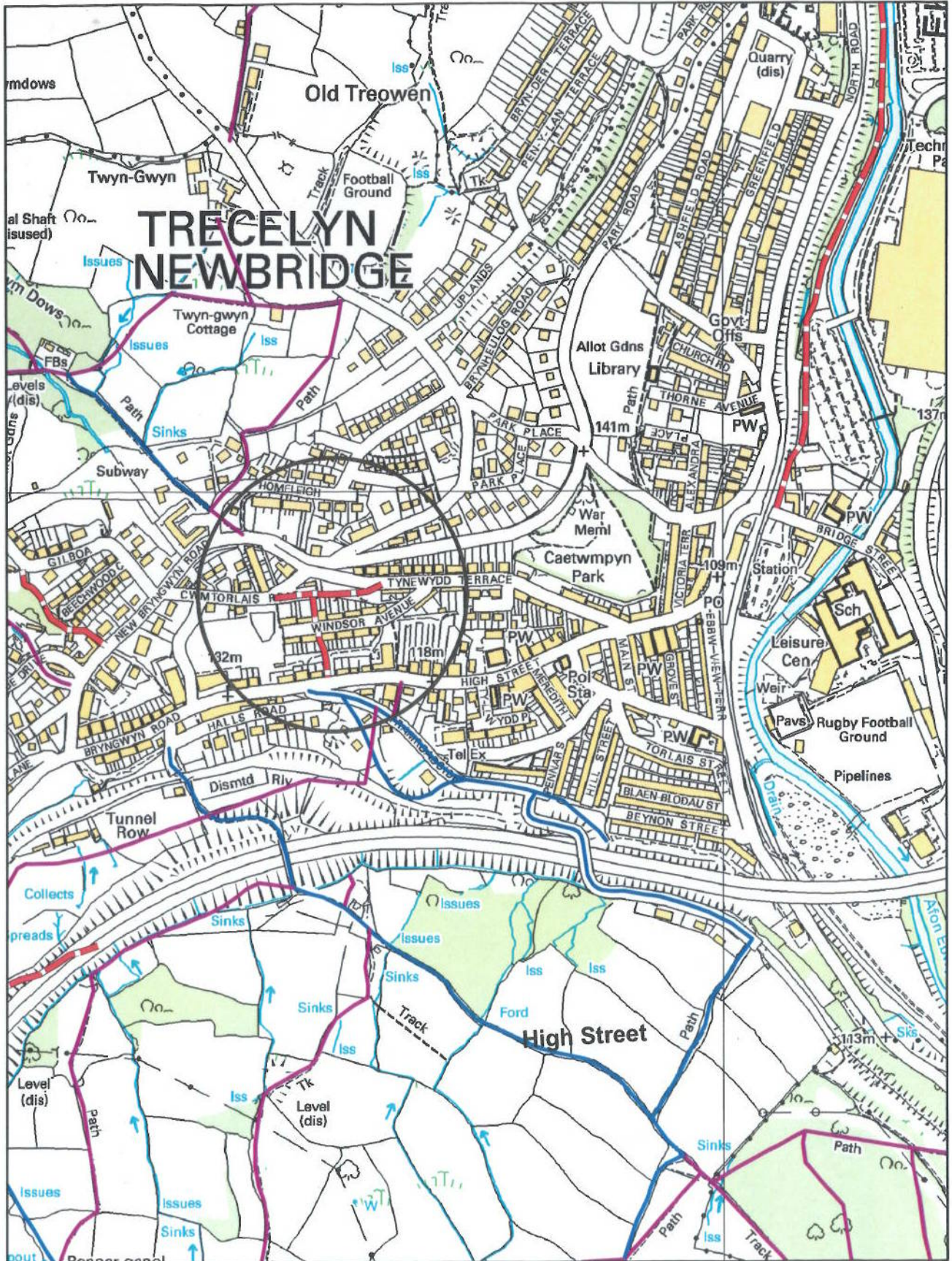
If in the case before you members are satisfied that the right of way has been used for a period in excess of 20 years, then there arises a presumption that the owner intended to dedicate the path as a right of way. It should be noted by members that the said 20 year period must be calculated retrospectively from the date when the way was first called into question.

- ix) If following the site visit the Committee decides to make an Order, then once this decision has been reached the County Borough Council has to give notice of its general effect. Following members' decision there is a right of appeal to the National Assembly for Wales. A period of at least 42 days from the date of first publication of the notice must be allowed for objections."

If there are any valid objections the County Borough Council has to refer the Order, together with the objections to the National Assembly for Wales who will then arrange for the Order and the objections to be considered by an independent Inspector. If no valid objections are made within the objection period then the County Borough Council may confirm the order itself as an unopposed Order.

Claimed Right of Way No. 120 - WINDSOR TERRACE, NEWBRIDGE - LOCATION MAP

1:7,000



Claimed Right of Way No. 120 - WINDSOR TERRACE,
NEWBRIDGE A-B-C-D-E-F

1:1,000



Certificate (i)

FORM OF APPLICATION FOR MODIFICATION ORDER

Wildlife and Countryside Act 1981

GWENT COUNTY COUNCIL DEFINITIVE MAP AND STATEMENT

GWENT COUNTY COUNCIL	
PLANNING	
25 MARCH 1985	
ACTION	DATE

To: Gwent County Council

of: County Hall, Cwmbran.

I / We Councillor Mrs. M. J. Ellis
of 'Ael-y-Bryn' Pentwynmaur, Newbridge
hereby apply for an order under Section 53 (2) of the Wildlife and Countryside Act 1981 modifying the definitive map and statement for the area by,

★ DELETE BELOW AS APPROPRIATE

{ adding the (footpaths) (~~bridleway~~) (~~byway open to all traffic~~) }

from: High St. adjacent to Oak Tree House, crossing Windsor Ave & proceeding between Nos. 76-77, then dividing in two, proceeding west to Cwmorlais Road & east to Tynewydd Terrace, adjacent to No 31, at Newbridge
and as shown on the map annexed hereto.

I / We attach copies of the following documentary evidence (including statements of witnesses) in support of this application :

Completed Evidence Forms previously submitted

Dated: [Signature] Signed: 27 March 1985

WILDLIFE AND COUNTRYSIDE ACT 1981

CERTIFICATE (ii)

FORM OF CERTIFICATE OF SERVICE OF NOTICE OF APPLICATION FOR MODIFICATION ORDER Wildlife and Countryside Act 1981

GWENT COUNTY COUNCIL DEFINITIVE MAP & STATEMENT

Certificate of Service of Notice of Application for Modification Order

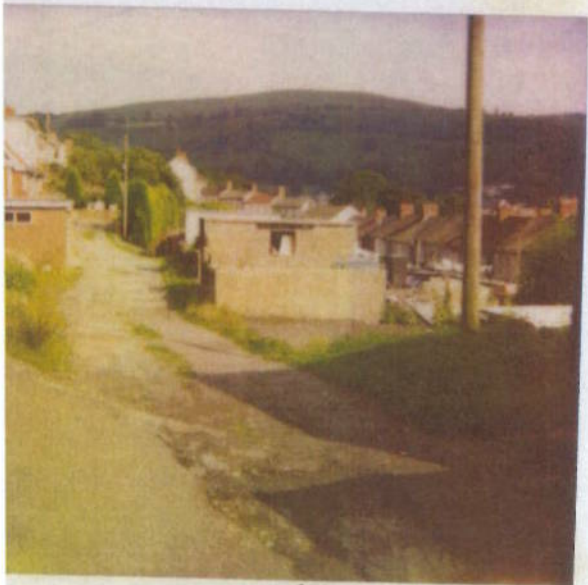
To: Gwent County Council County Hall, Cwmbran.

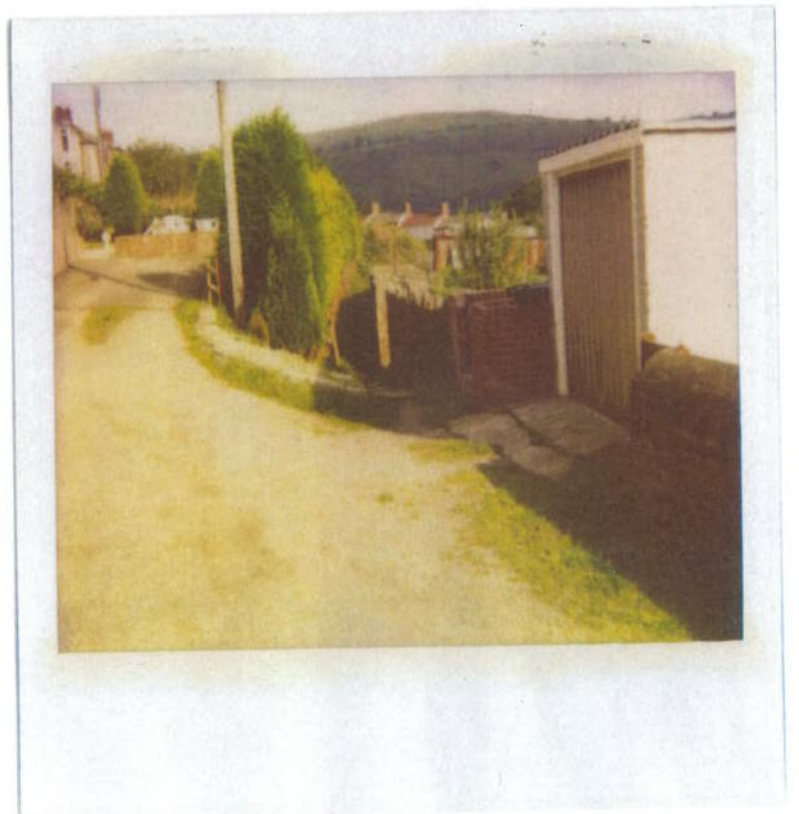
I / We Councillor Mrs M. J. Ellis of 'Ael-y-Bryn' Pentwynmaur, Newbridge hereby certify that the requirements of paragraph 2 of Schedule 14 to the Wildlife and Countryside Act 1981 have been complied with.

Dated: 27 March 95 * Signed: M.J. Ellis *

Notices served on the following persons / bodies:-

- 1 Messrs. Manover Estates, Estate Office.
2 23A Gold Tops, Newport, Gwent.
3 (sent 17/3/95)
4
5
6





CLAIMED RIGHT OF WAY NO. 120

A-B



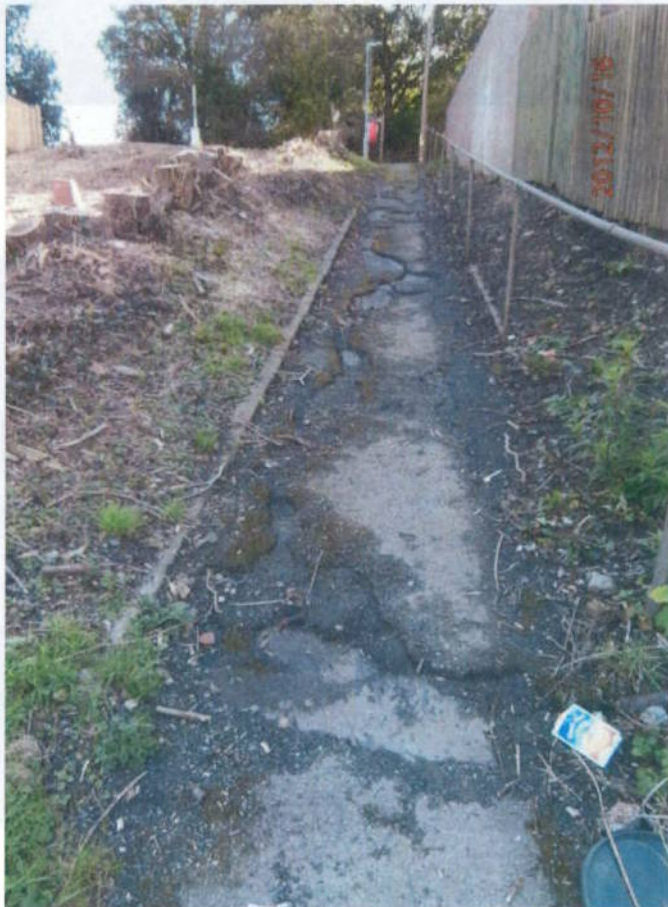


TABLE 1 - CLAIM 120 DETAILS

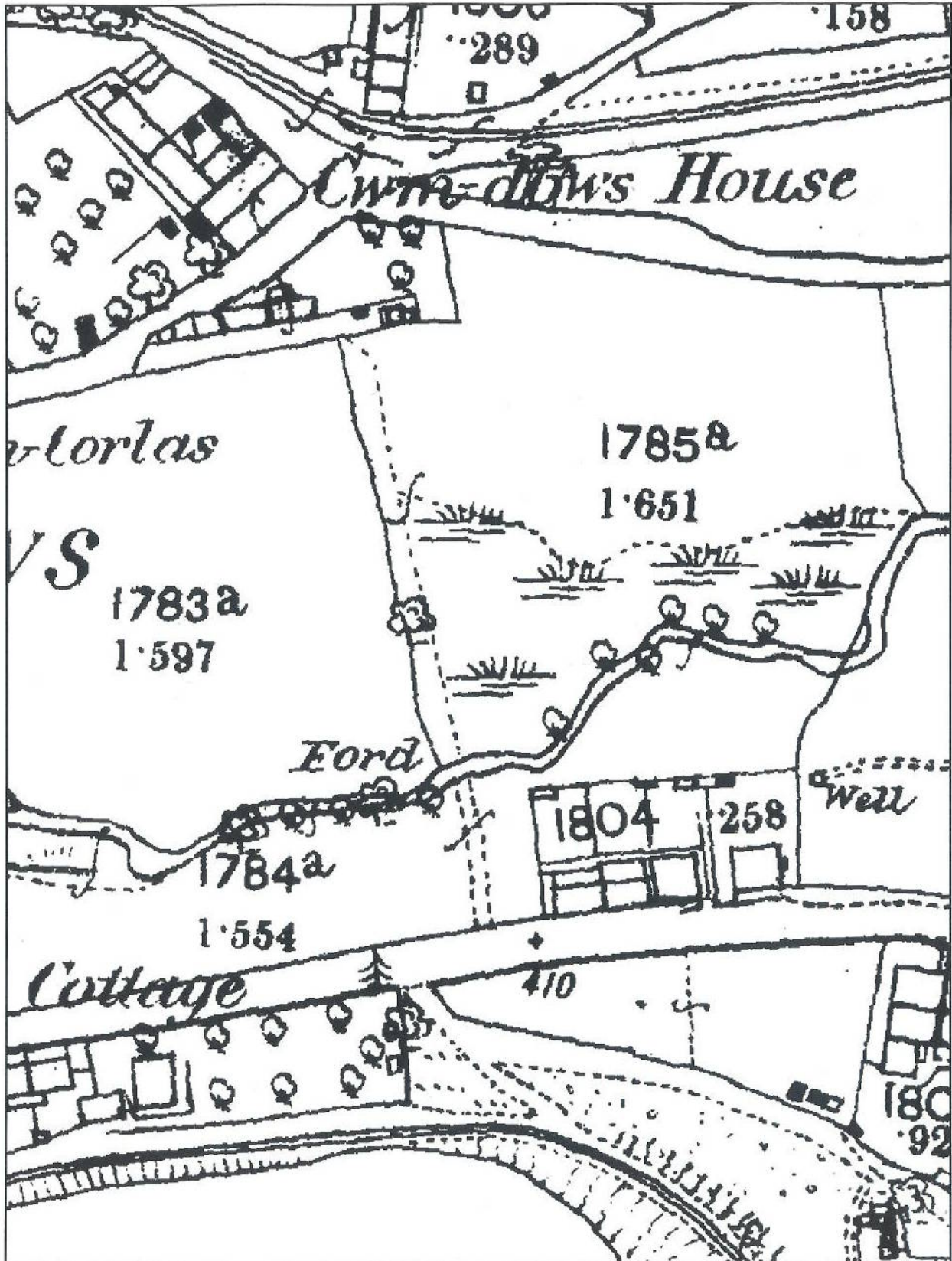
Document No.

Mr. and Mrs. R.L. & G. Evans		65 years	footbridge when there was a brook. Used the path for school and shops.	√	√	√	√
Mr. T.A. Pugh		46 years	Since 1947. There has always been a footpath in his lifetime.	√	√		
Mr. E.L. Baker		1953-93		√	√		
Mr. J.M. Baker		80 years+	and daily to visit friends at Cwmdows.	√	√	√	√
Mr. G. Peregrine		1960-93	mothers with prams but believes that a few steps may be required as it is	√			
Mr. G. Roberts		1959-93	should be lit up at night.	√	√		
Mr. K. Westwood		1964-93		√			
Mr. H.J. Jones		1936-93		√	√	√	
Mr. J.W. Haines		40	Since 1947. The Council always maintained it up until now and used to salt it during the winter months and also installed a handrail.	√			
Mrs. S.A. Suter		1979-93	Since 1973	√	√	√	
Mr. T.J. Waring		1990-93	Since 1990.				
Mrs. A. Edwards		1987-93		√			
Mr. G. Roberts		1956-1993	This route should be lit up at night.	√			

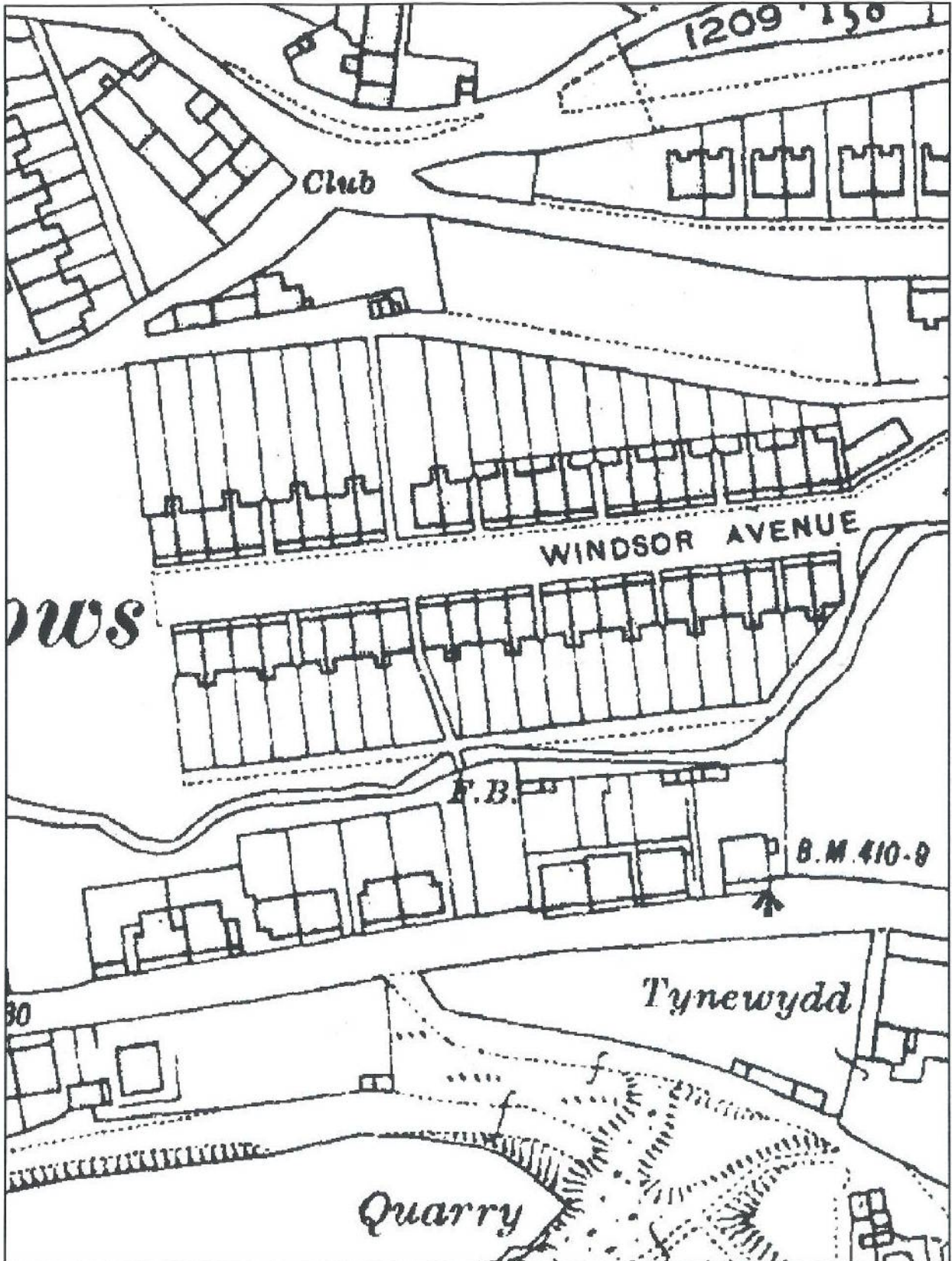
TABLE 1 - CLAIM 120 DETAILS

Name	No. of years used	Length of time known path and additional comments	Route A-B	Route C-D	Route D-E	Route D-F
Mrs R.F. Ansell	1988-93	Since 1940. Could do with a clean up.	√	√		
Ms L.C. Hadley	1974-93	passable it is dangerous to walk because o rocky and uneven	√	√	√	
Mr. D.C. Bradshaw	1985-1993	Avenue and to/from Cwmtorlais Road. Could do with being	√	√	√	
Mr. and Mrs. J. & T.L. Hart	1943-93	could do with improved surface as mud carries into the houses. Used to and from work for vsr lift.	√	√	√	
Mrs. Rosina Williams	1920-93	path when there was a brook running down Windsor Avenue and as children they used to paddle in it. It	√	√	√	√
Mr. and Mrs. A. Witts	40-50 years	diabolical and the paths could do with being cleaned and being maintained. Parents used it before I	√	√	√	√
Mr. G.S. Gibbs	30 years	For access to property.		√	√	√
Mr. R.T. Taylor	1976-88	house. It always has done so before we moved in. In 1978 my uncle owned the house. My grandmother is 90 years old and can remember		√	√	√
Mrs. K.M. Phelps	21 years	Walking.		√	√	√
C. Corbett	23 years			√	√	√
H. Jones	1936-93	first started to work.		√	√	√
C. Robbins	65 years			√	√	√
H.G. Porter	1972-93	evening walks.		√	√	√
Mr. D.L. Bradshaw	1989-1994	To visit my son and family.				
Mrs. M.K. Bradshaw	1989-93	High Street and Cwmtorlais Road. Husband uses the path daily for easy access to attend doctors and medical centre and to walk into town.	√	√	√	
Ms. Annette Jane Jones	1970-93	Visit friends		√	√	√
Mr. Frederick James Andrews					√	√

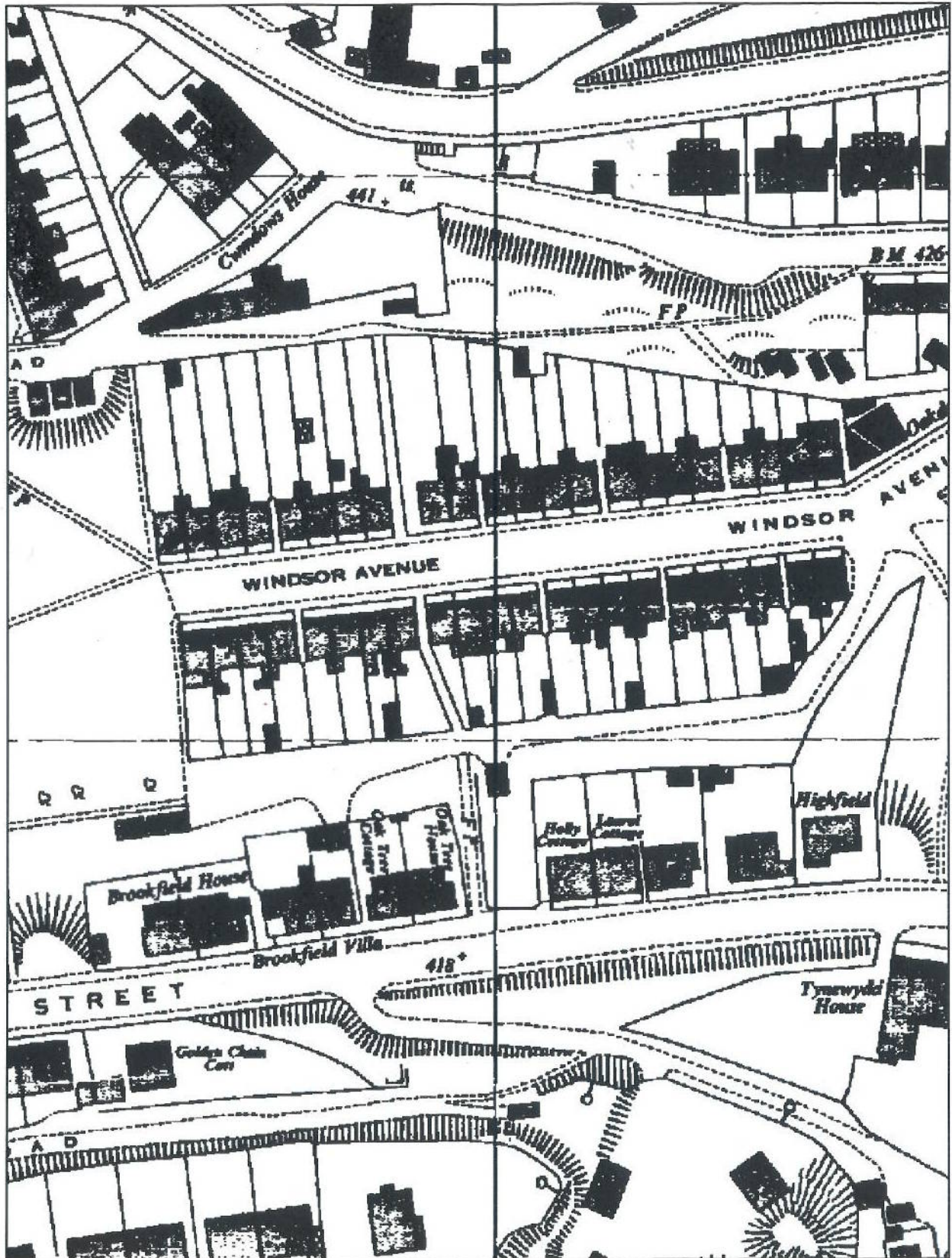
CLAIMED RIGHT OF WAY 120 - HISTORICAL MAPPING 1873-1888



CLAIMED RIGHT OF WAY 120 - HISTORICAL MAPPING 1919-1921

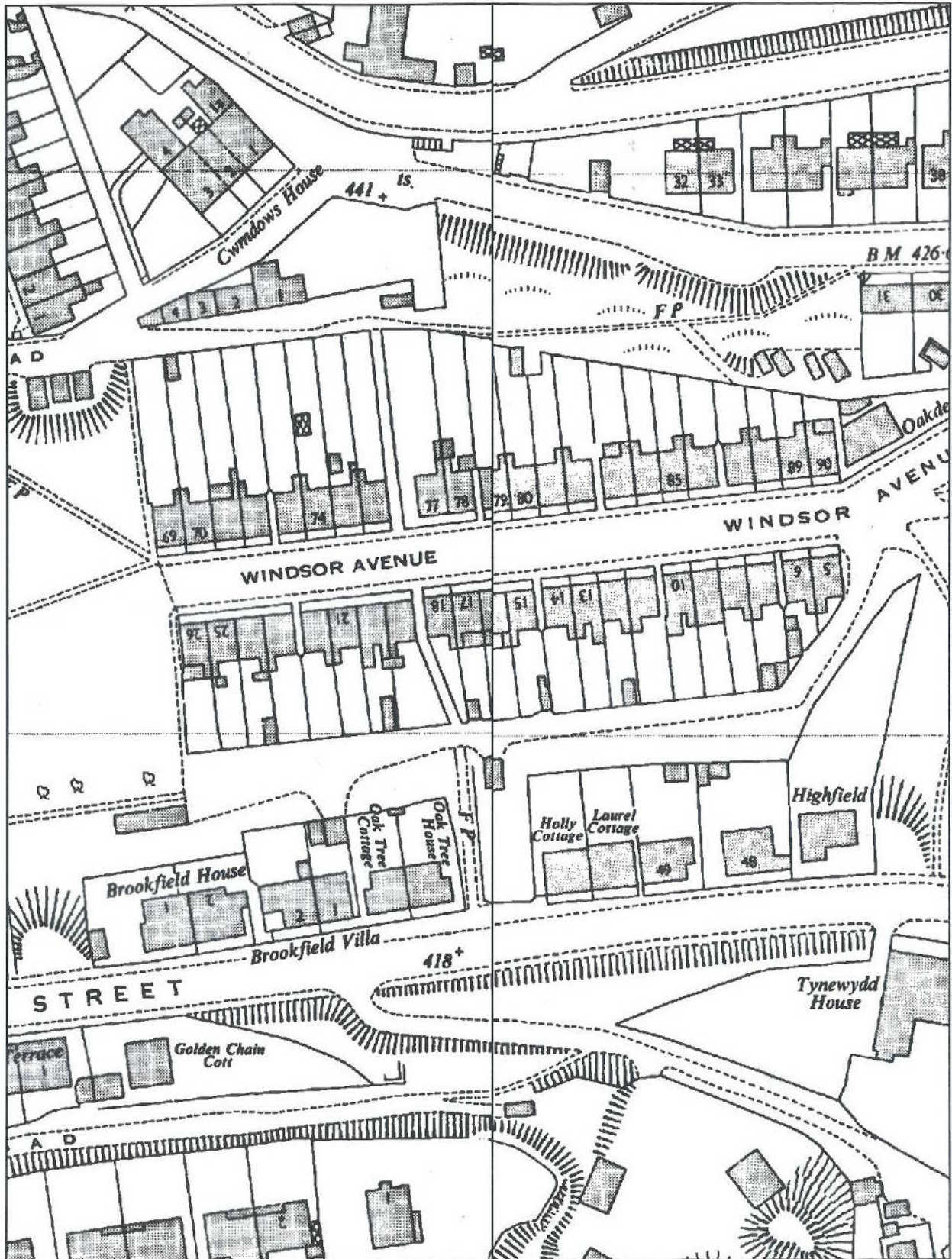


CLAIMED RIGHT OF WAY 120 - HISTORICAL MAPPING 1959-1973



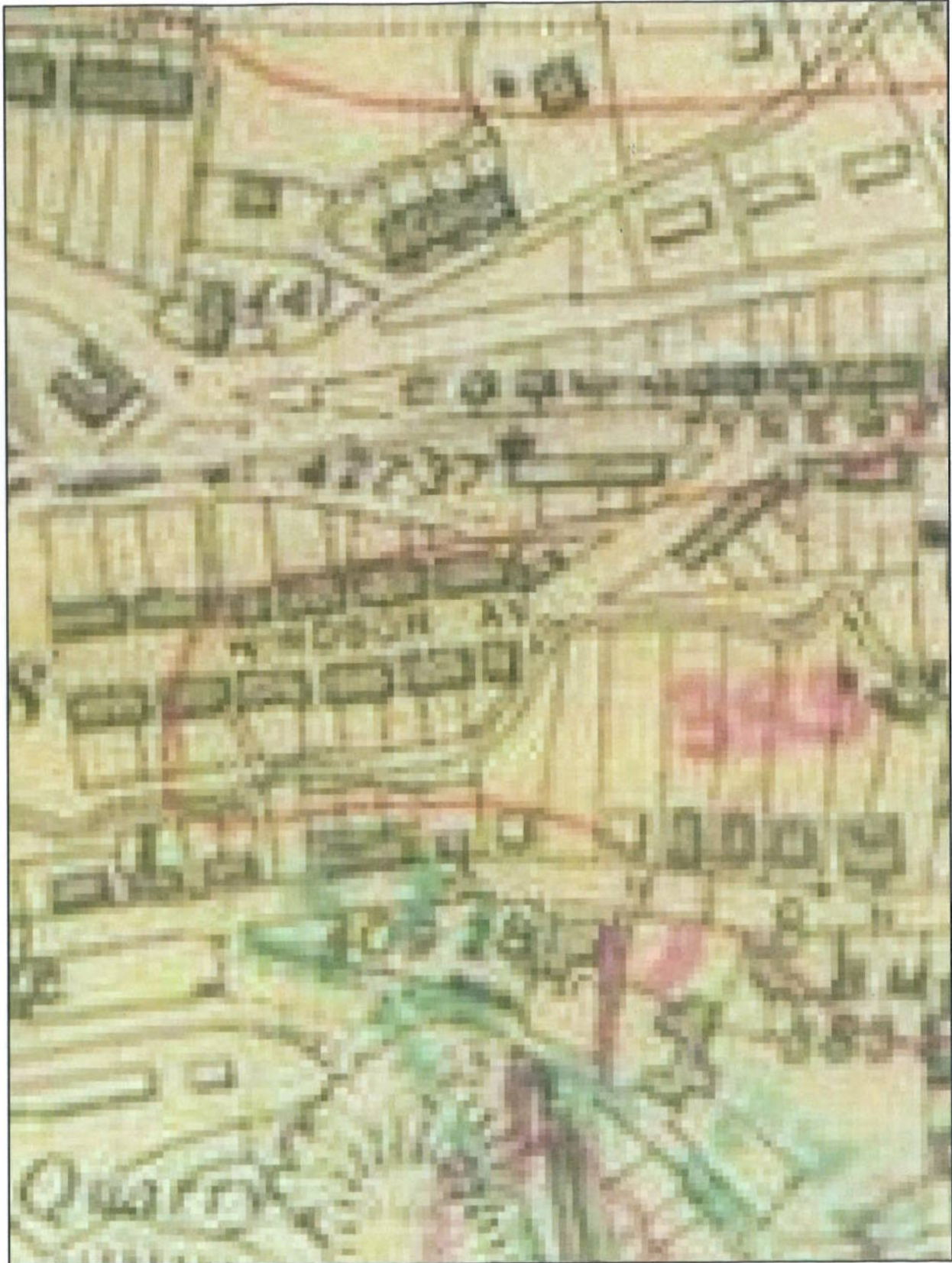
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CLAIMED RIGHT OF WAY 120 - HISTORICAL MAPPING 1959-1992



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CLAIMED RIGHT OF WAY 120 - DRAFT MAP



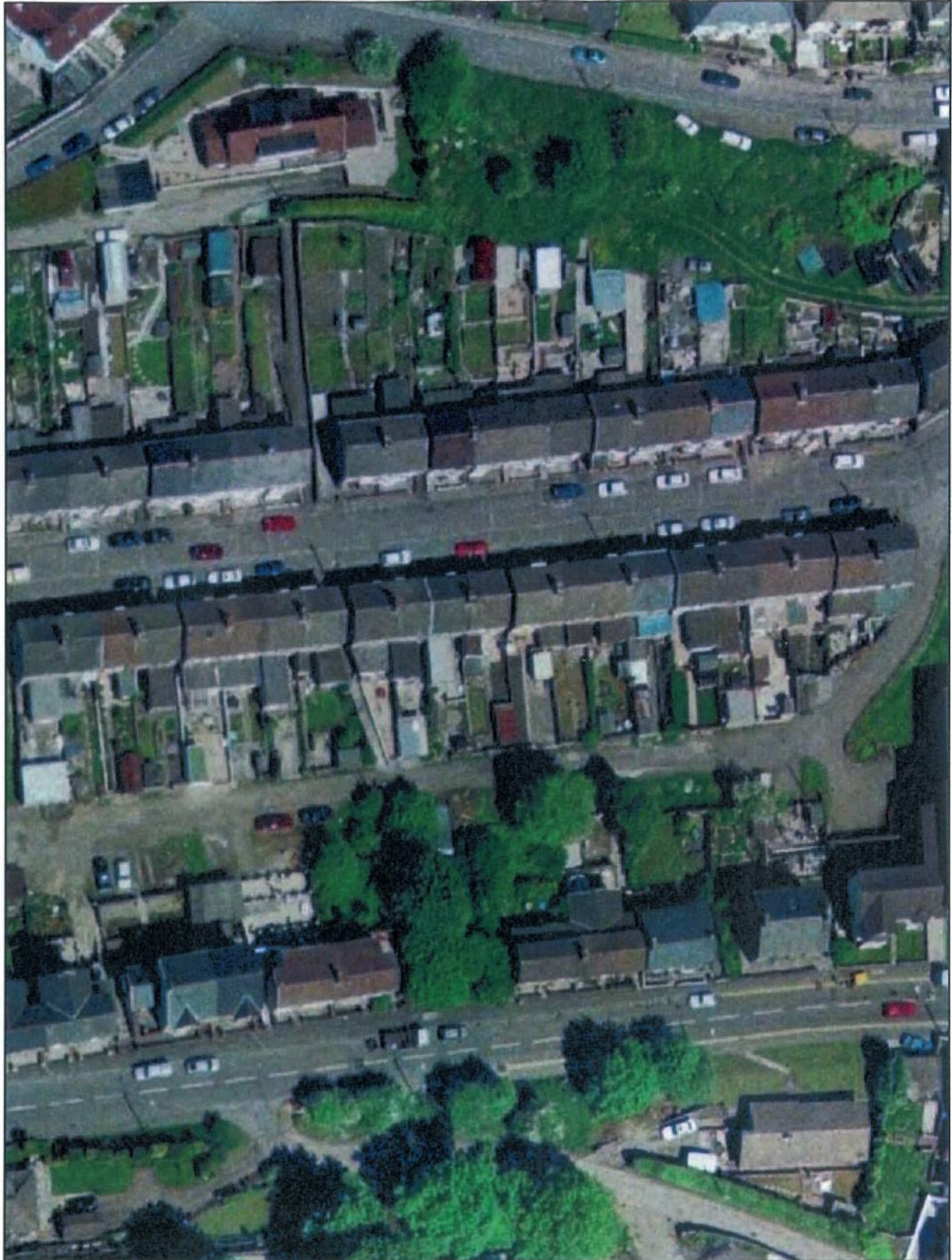
**DEFINITIVE MAP - CLAIMED RIGHT OF WAY 120
IDENTIFIED BY RED LINE**



CLAIMED RIGHT OF WAY 120 - AERIAL PHOTO - 1991



CLAIMED RIGHT OF WAY 120 - AERIAL PHOTO - 2001

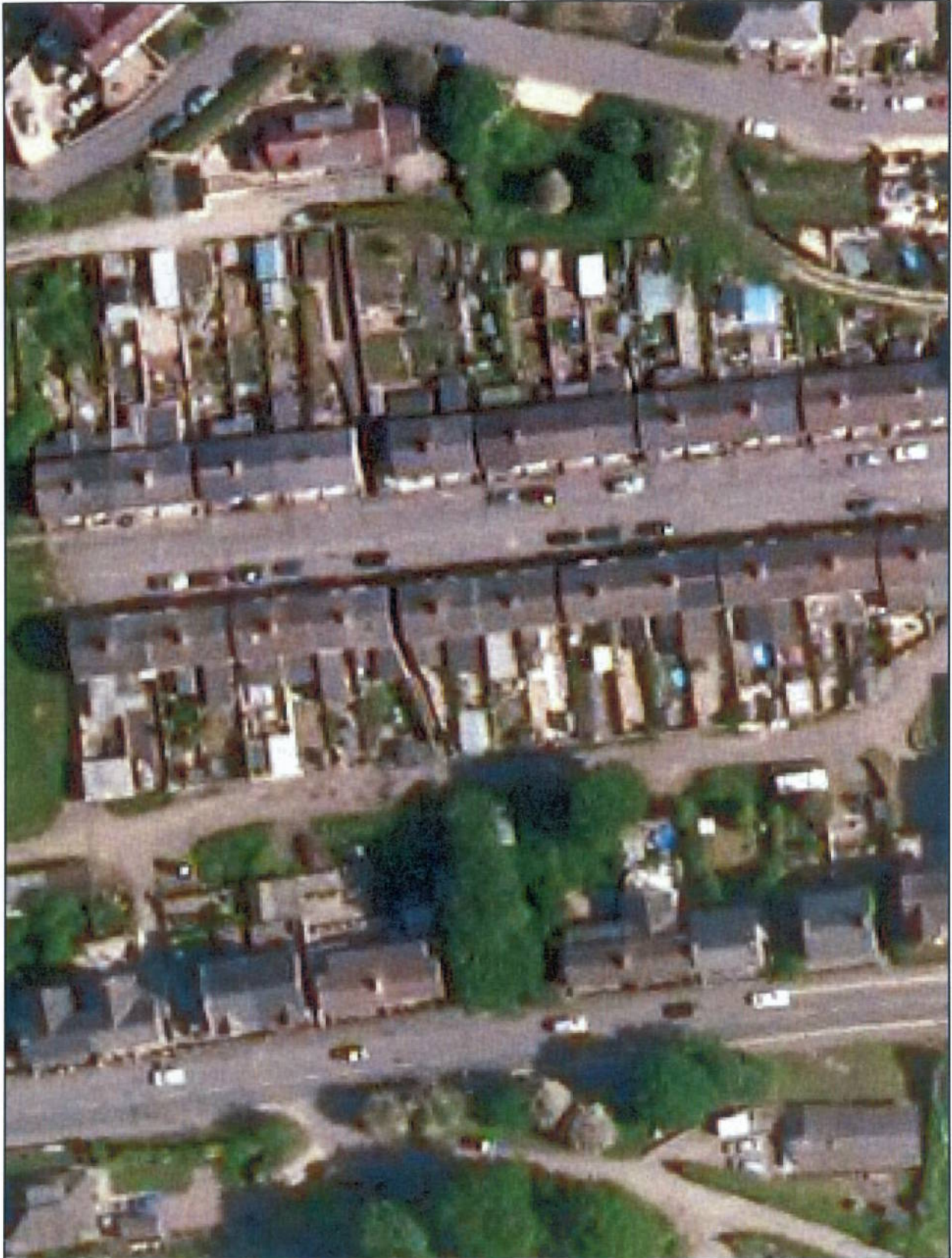


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CLAIMED RIGHT OF WAY 120 - AERIAL PHOTO - 2004-2005

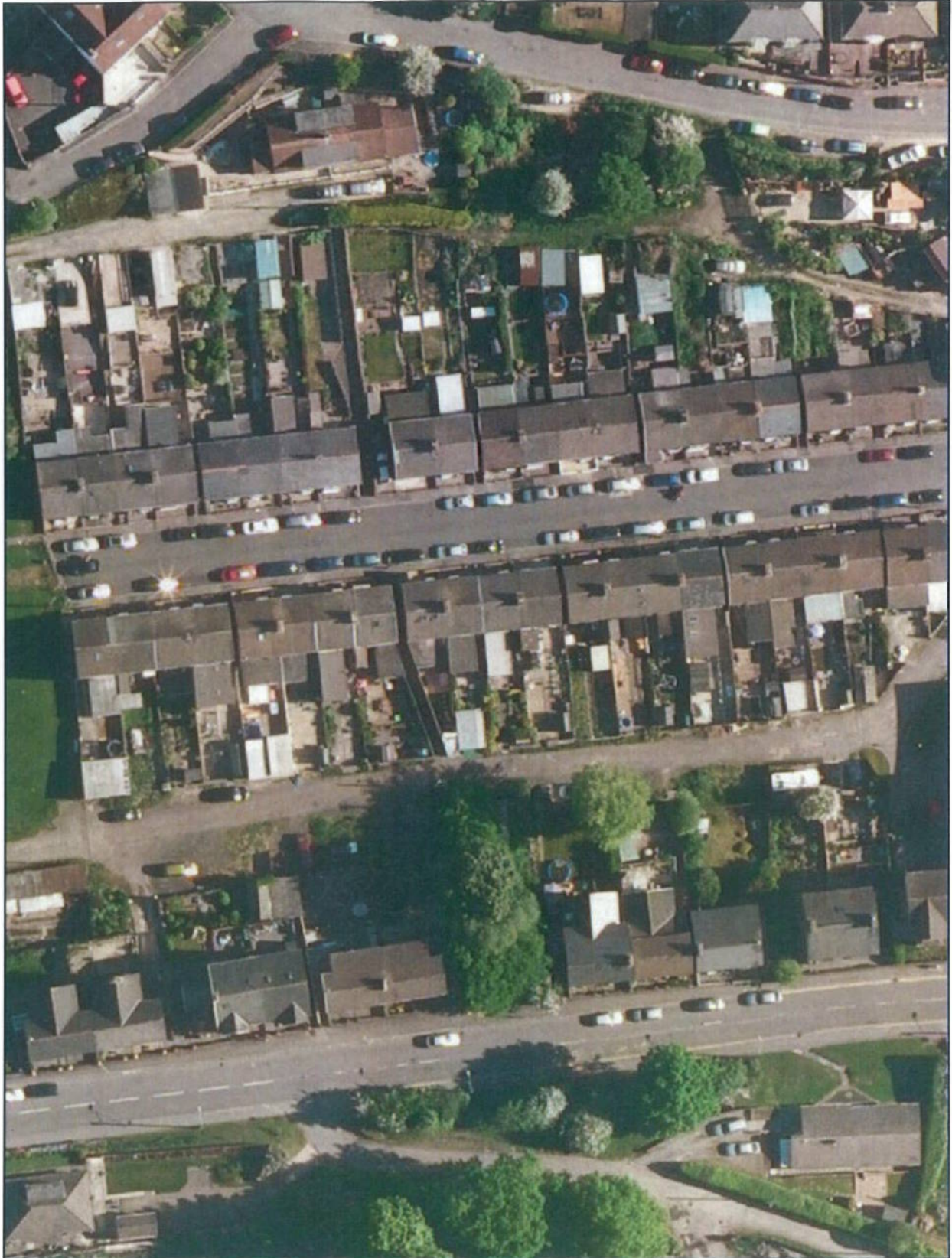


CLAIMED RIGHT OF WAY 120 - AERIAL PHOTO - 2006



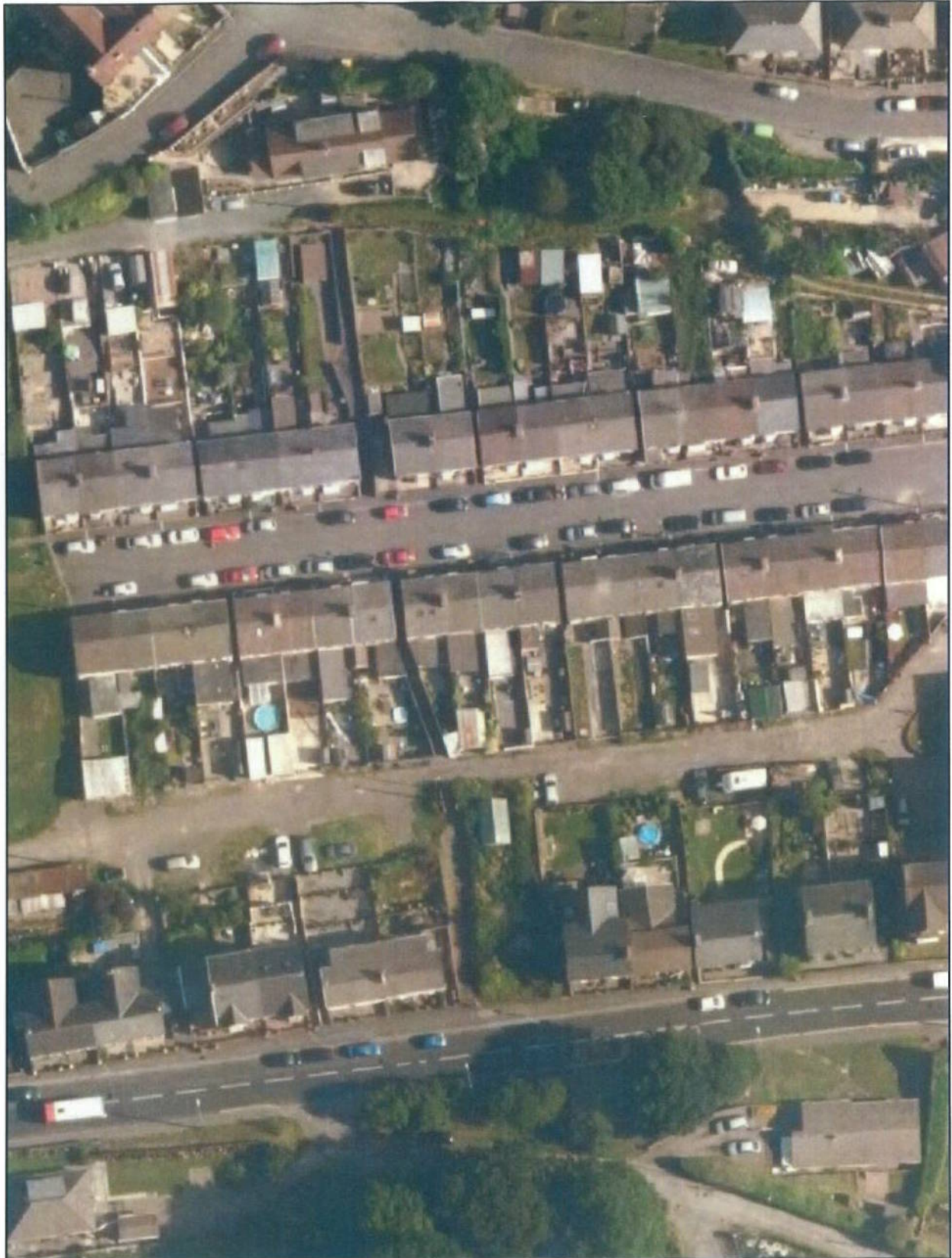
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CLAIMED RIGHT OF WAY 120 - AERIAL PHOTO - 2010



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CLAIMED RIGHT OF WAY 120 - AERIAL PHOTO - 2014



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CLAIMED RIGHT OF WAY 120 – PHOTOGRAPHS

A-B



C-D



D-E





D-F





The remainder of the claimed right of way has been taken into the garden of No. 31 Tynewydd Terrace

G-H



