

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."

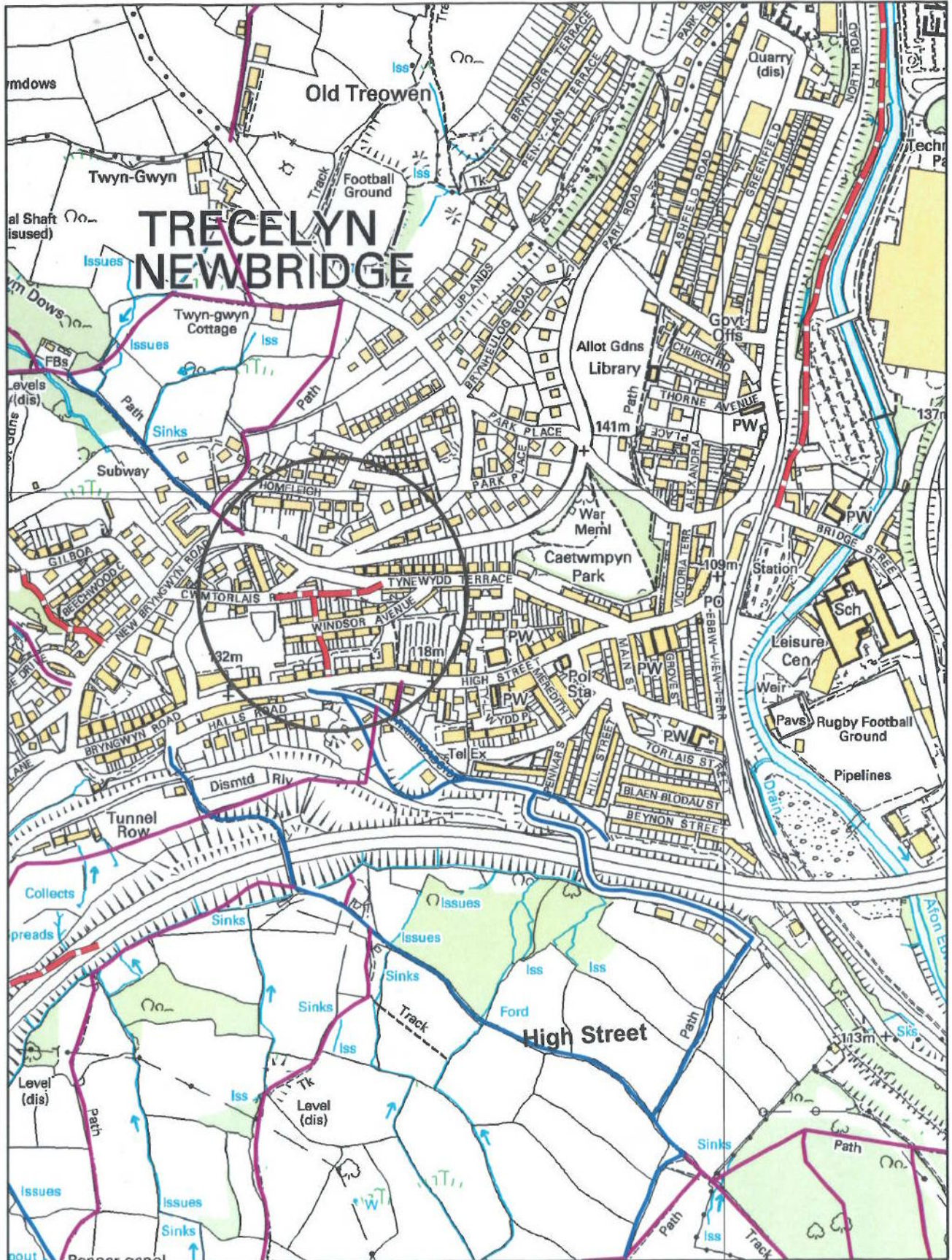
If in the case before you members are satisfied that the right of way has been used for a period in excess of 20 years, then there arises a presumption that the owner intended to dedicate the path as a right of way. It should be noted by members that the said 20 year period must be calculated retrospectively 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 - WINDSOR TERRACE,
NEWBRIDGE

1:1,000

A-B-C-D -MODIFICATION ORDER



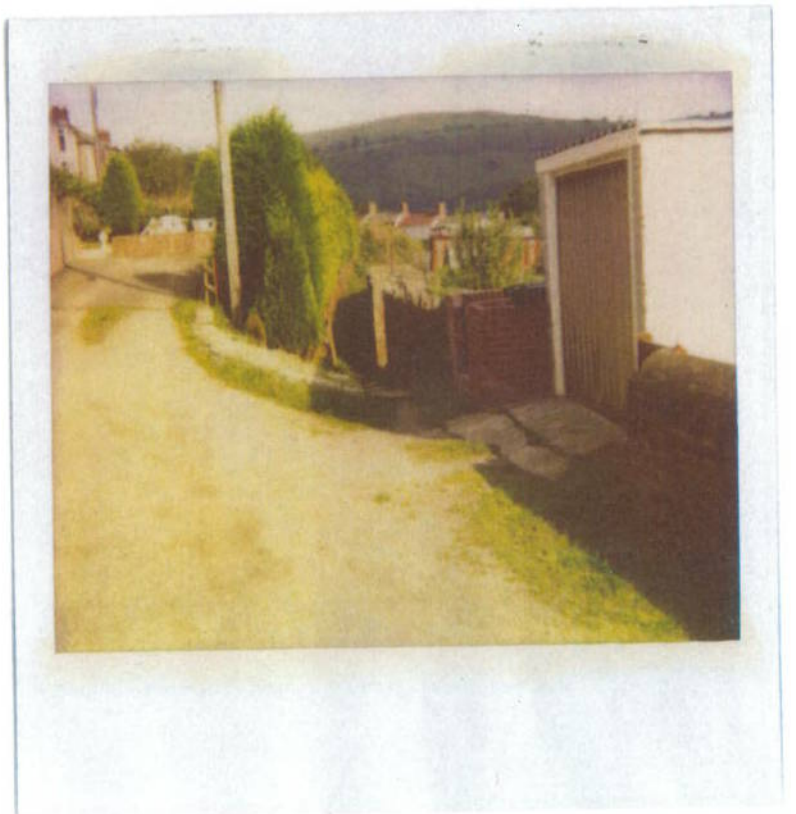
E-D-G-H CREATION AGREEMENT/DEDICATION



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DOCUMENT
NO. 7





CLAIMED RIGHT OF WAY NO. 120

A-B





TABLE 1 - CLAIM 120 DETAILS

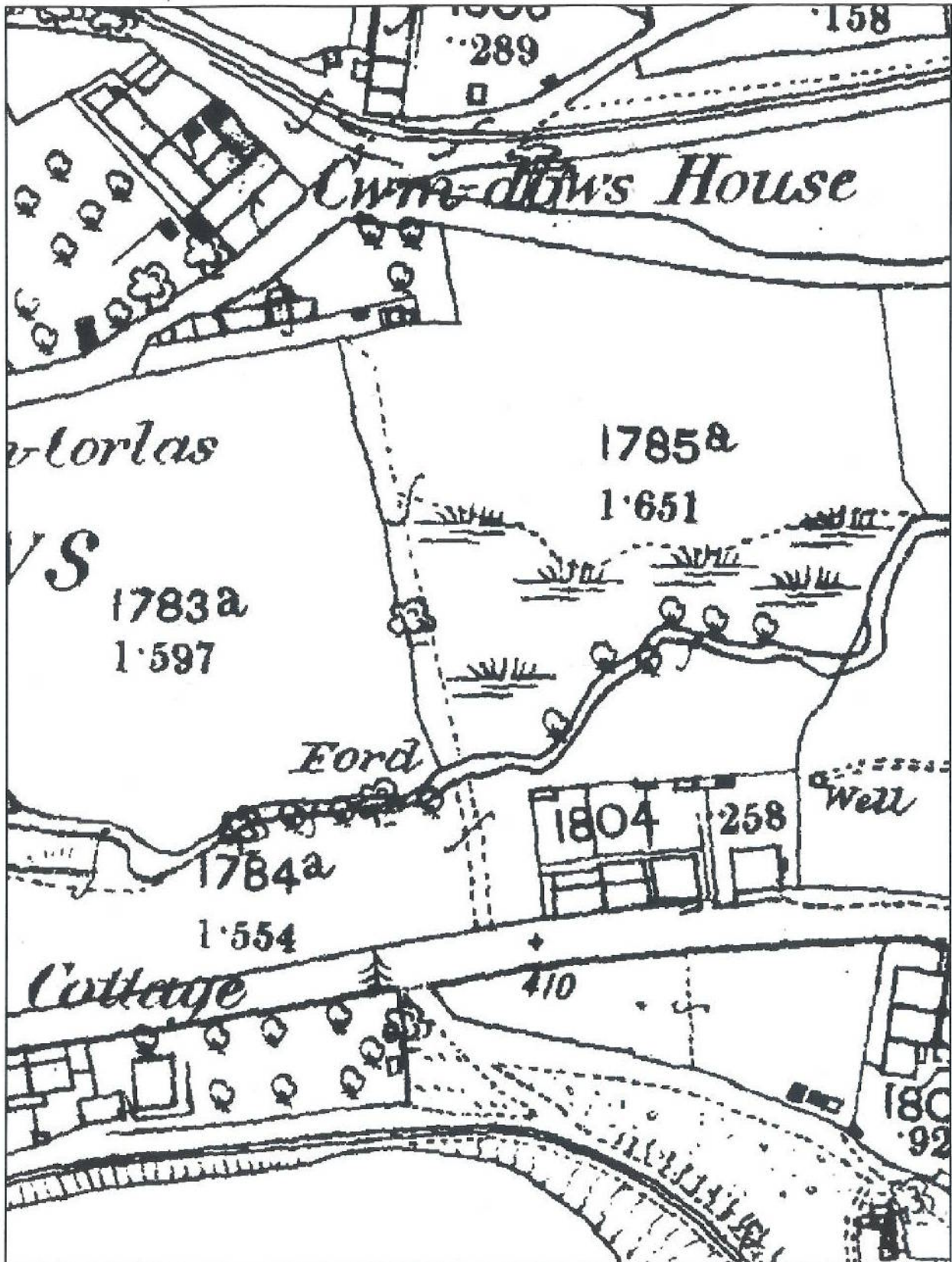
Document No.

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.	√			

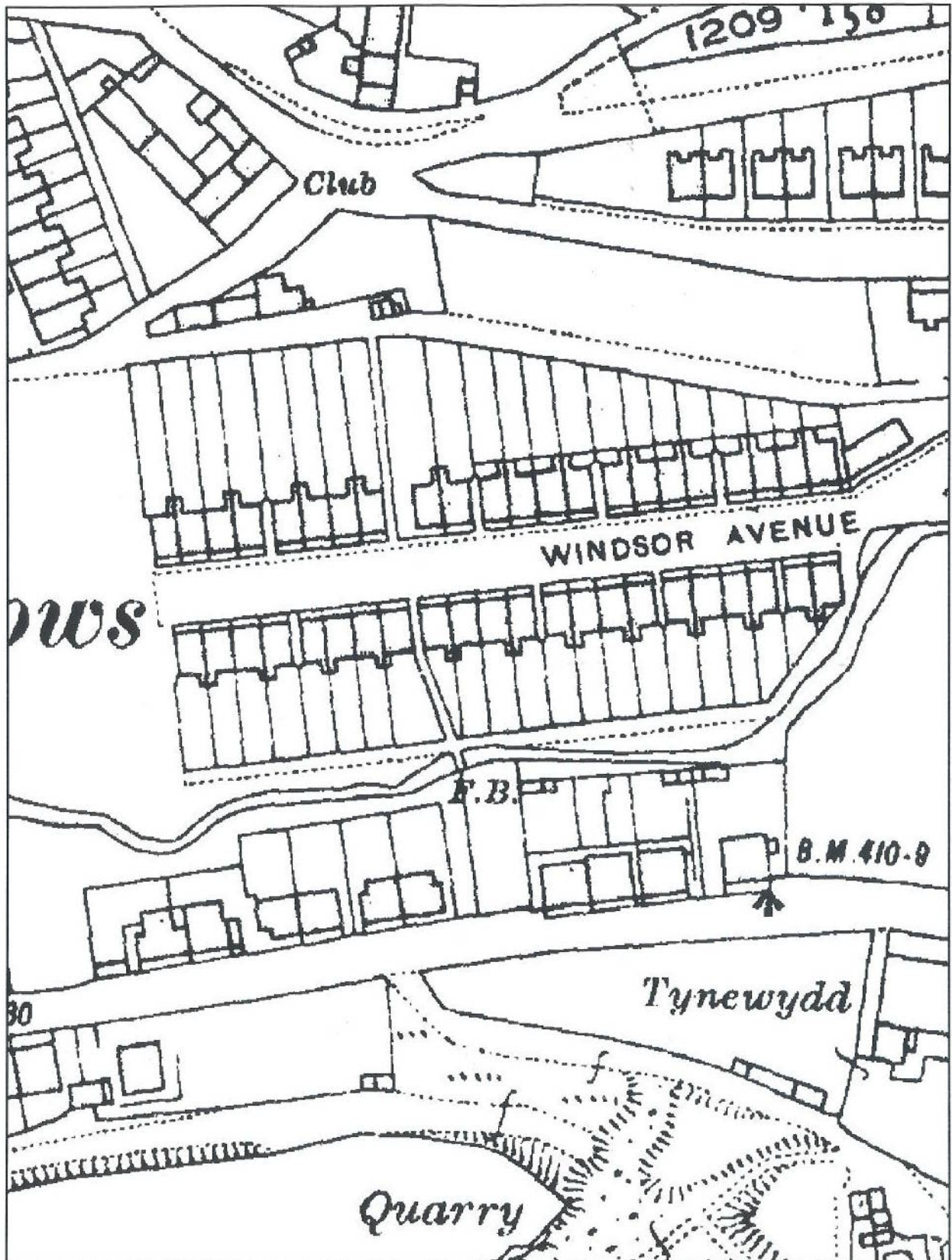
TABLE 1 - CLAIM 120 DETAILS

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					√	√

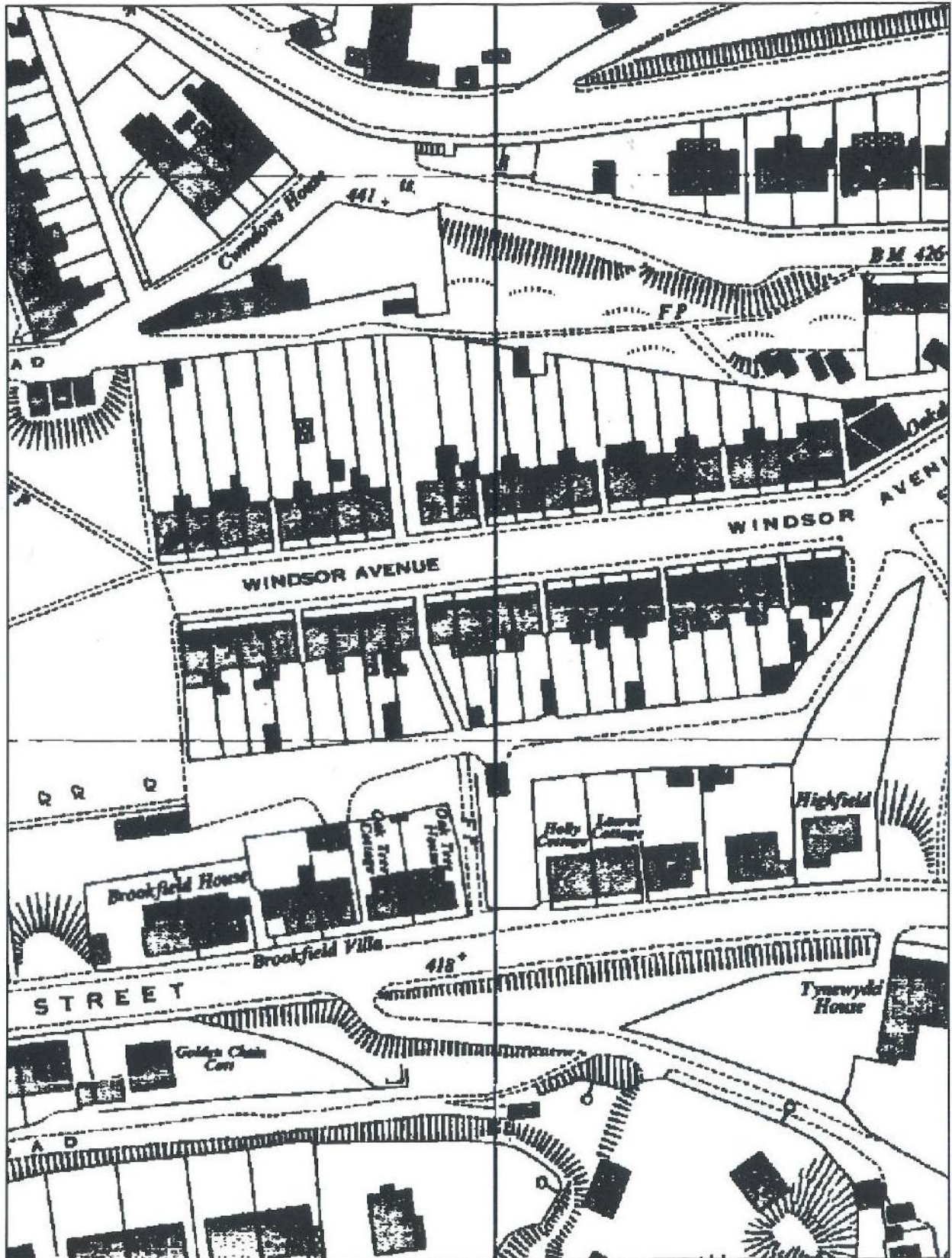
CLAIMED RIGHT OF WAY 120 - HISTORICAL MAPPING 1873-1888



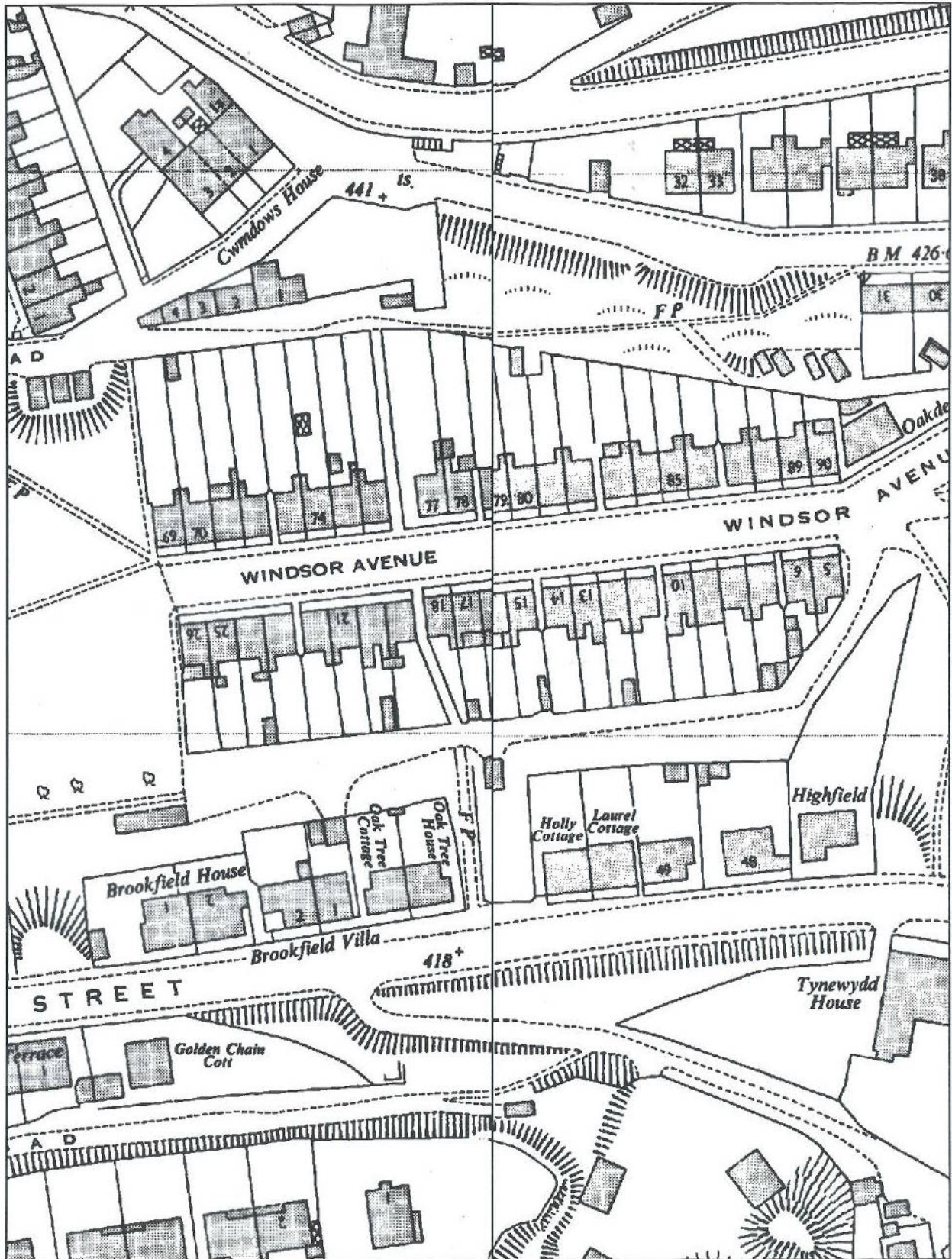
CLAIMED RIGHT OF WAY 120 - HISTORICAL MAPPING 1919-1921



CLAIMED RIGHT OF WAY 120 - HISTORICAL MAPPING 1959-1973

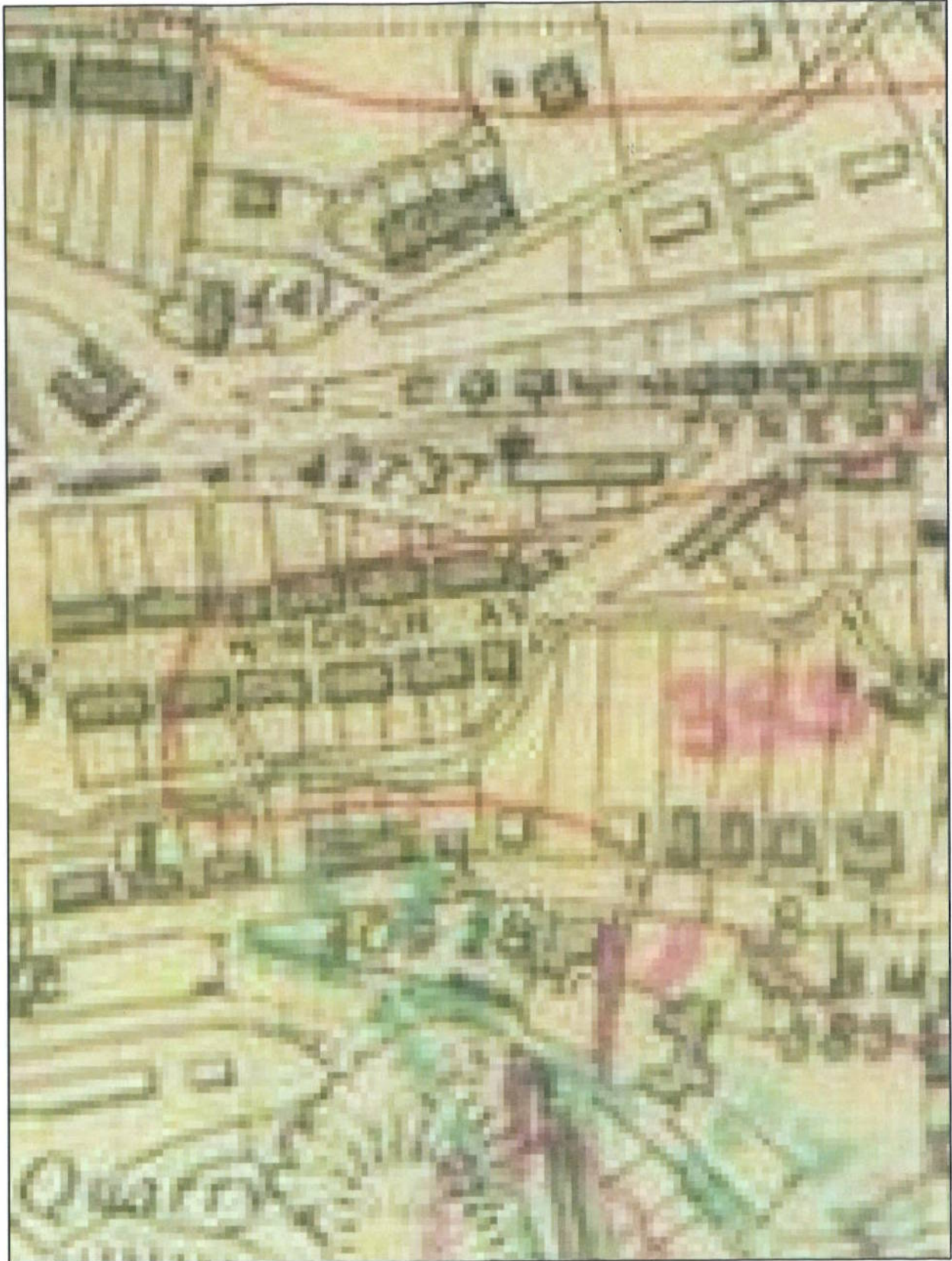


CLAIMED RIGHT OF WAY 120 - HISTORICAL MAPPING 1959-1992



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CLAIMED RIGHT OF WAY 120 - DRAFT MAP

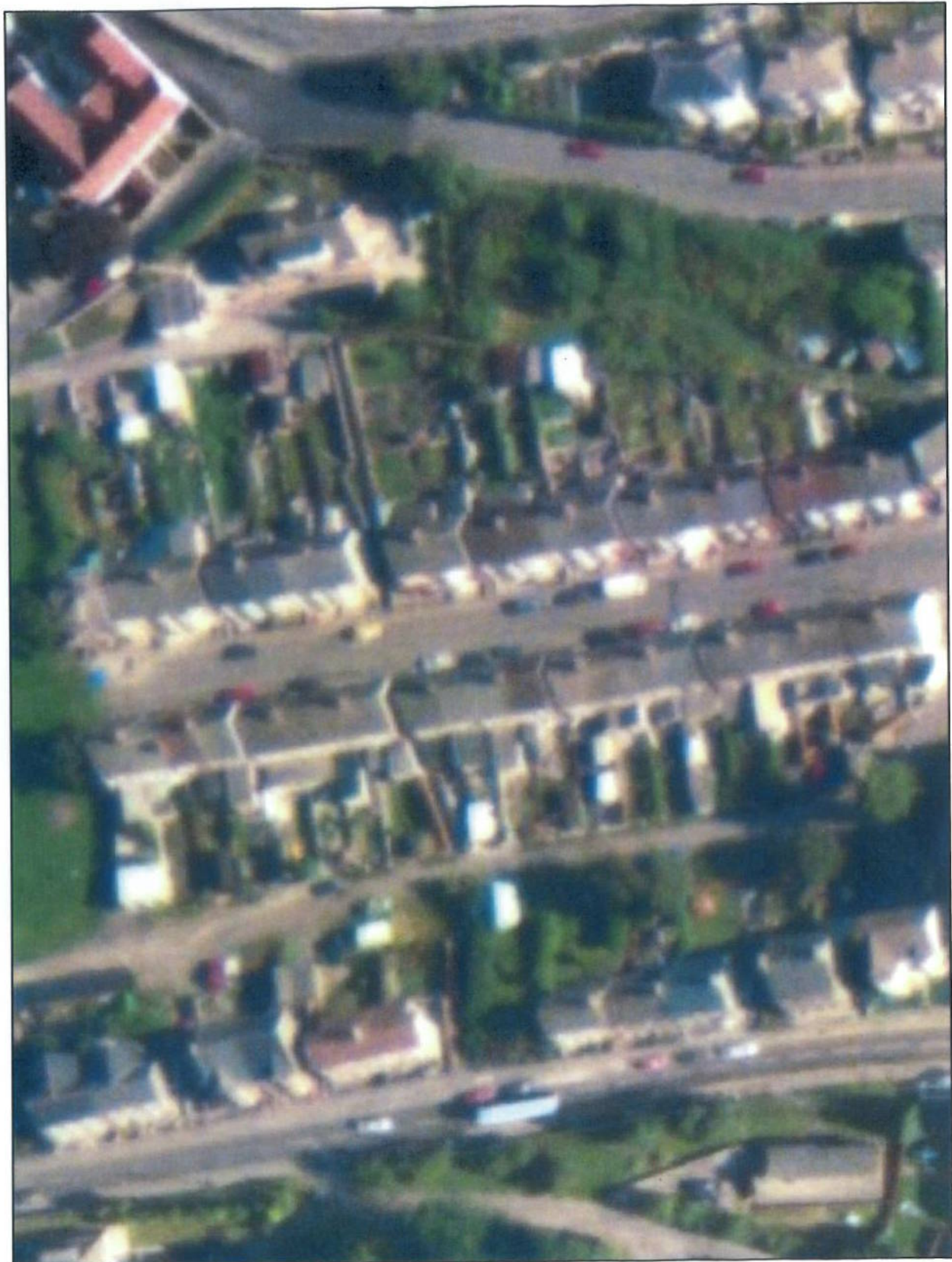


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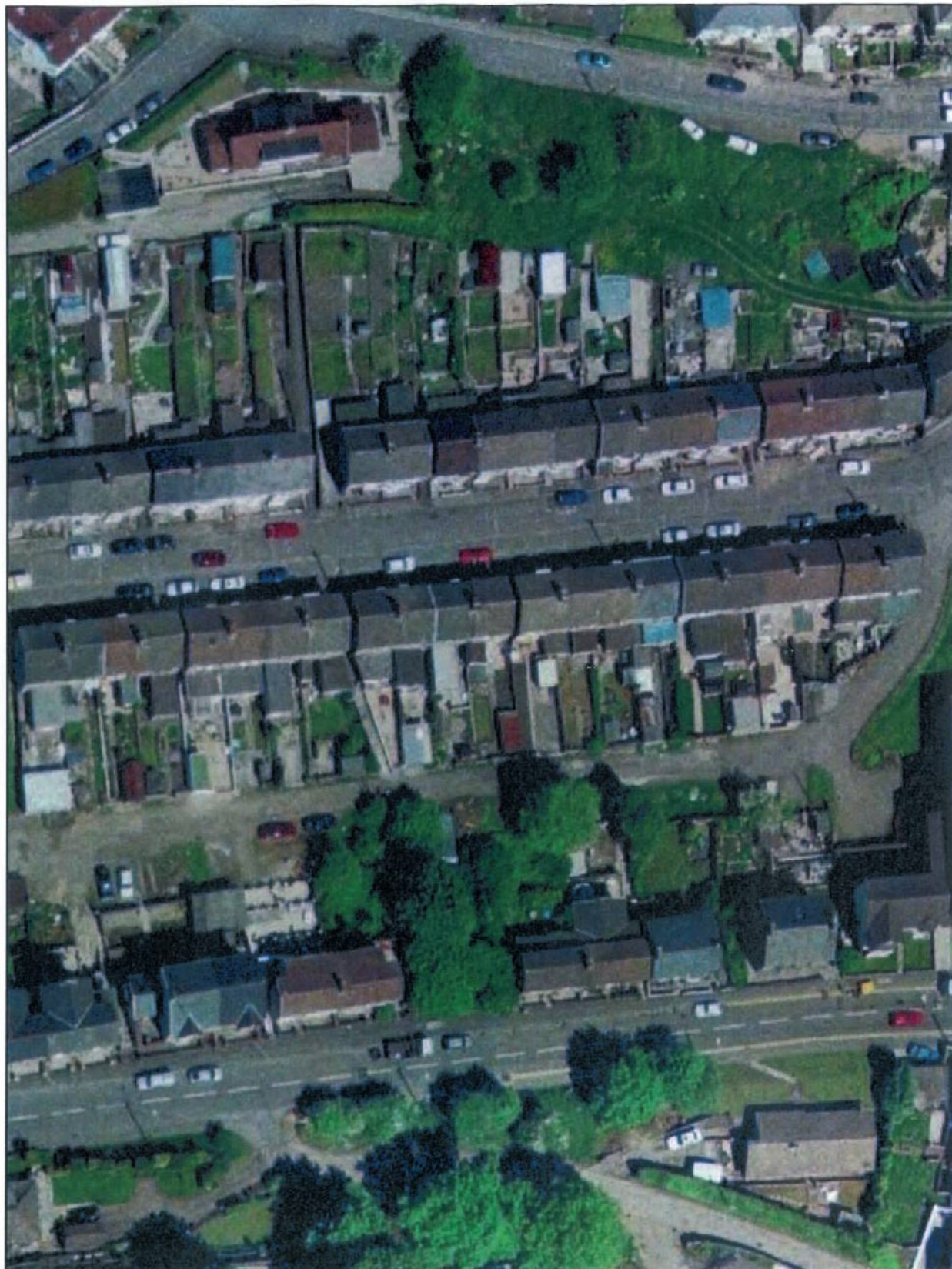
**DEFINITIVE MAP - CLAIMED RIGHT OF WAY 120
IDENTIFIED BY RED LINE**



CLAIMED RIGHT OF WAY 120 - AERIAL PHOTO - 1991



CLAIMED RIGHT OF WAY 120 - AERIAL PHOTO - 2001



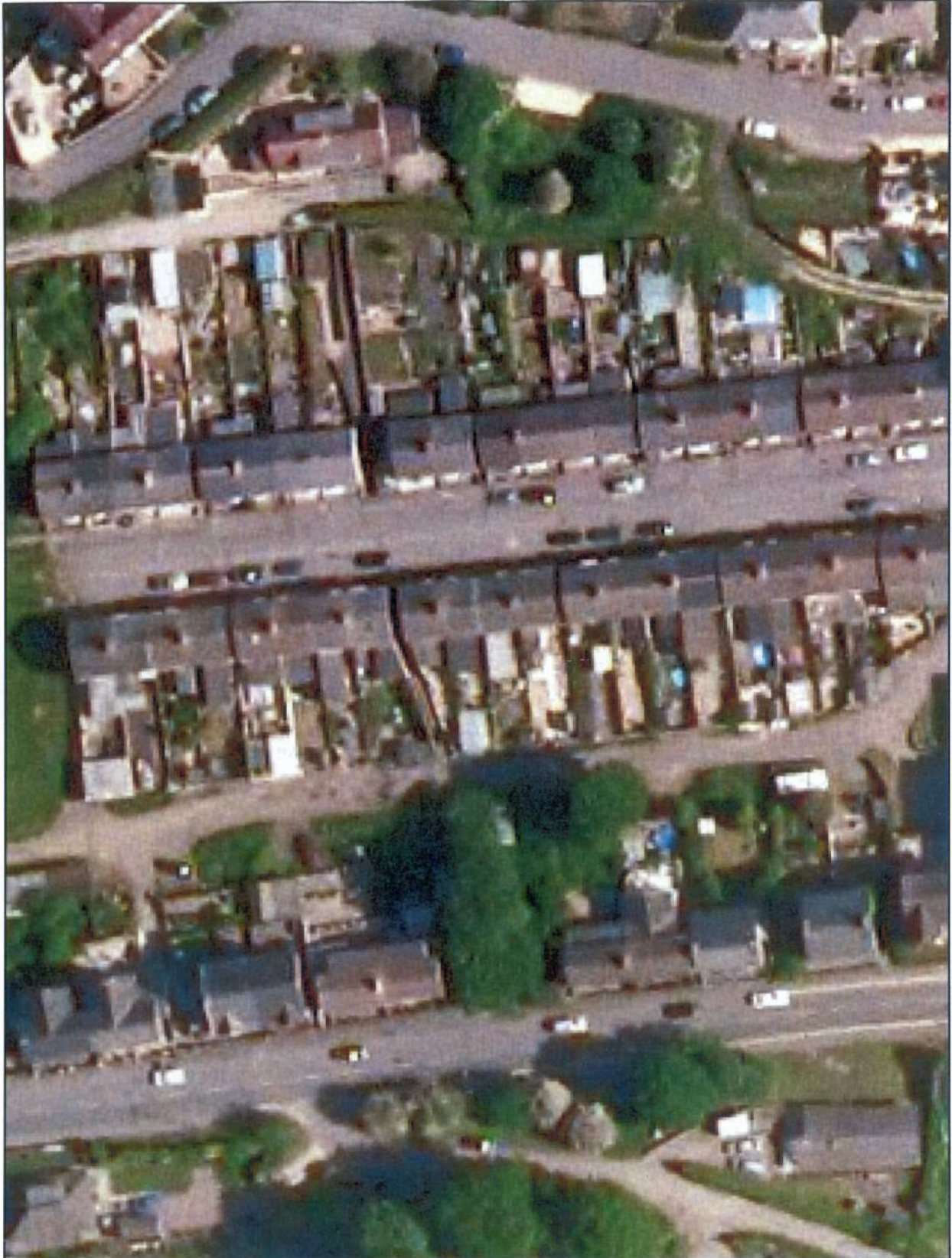
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CLAIMED RIGHT OF WAY 120 - AERIAL PHOTO - 2004-2005



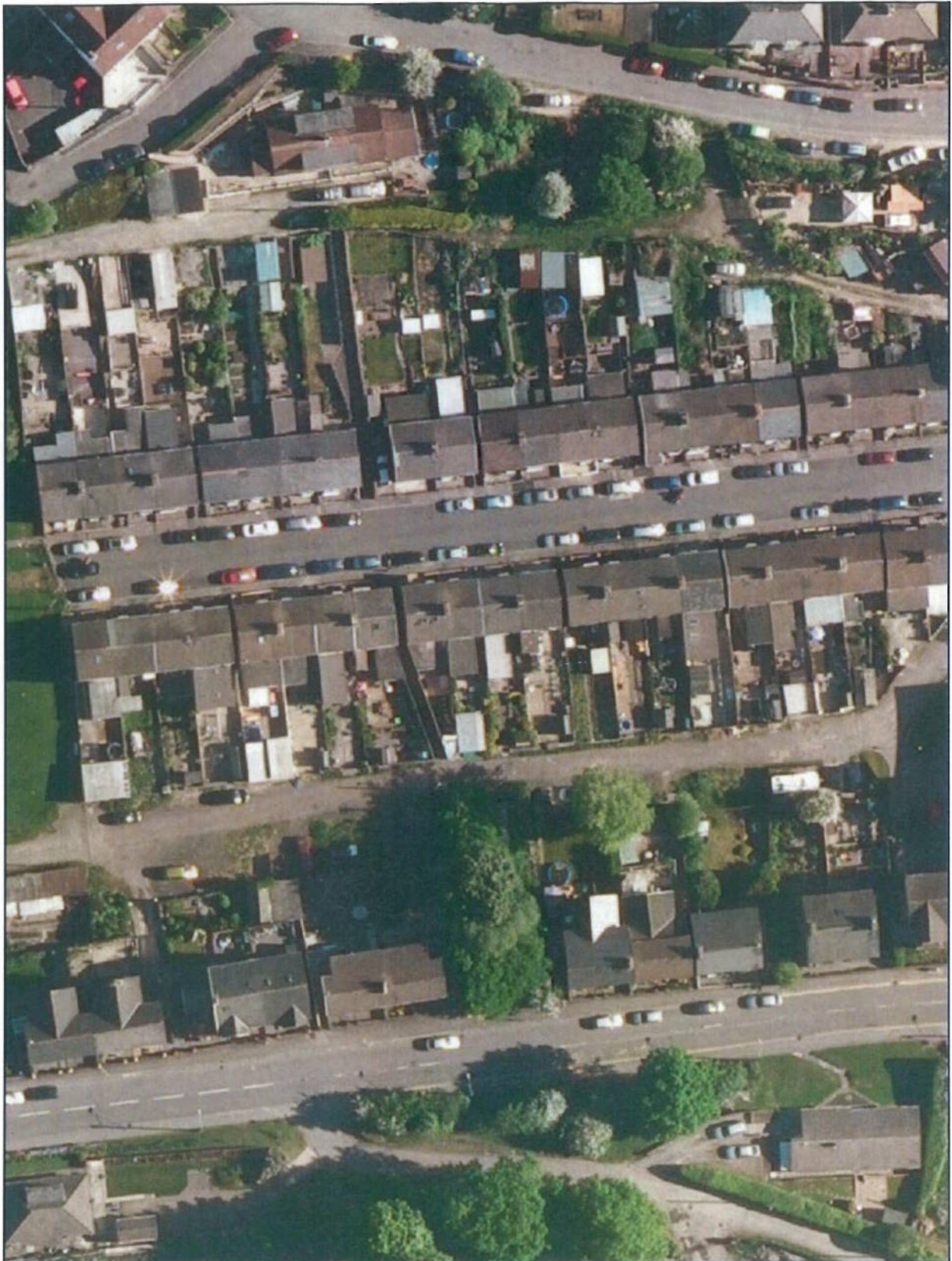
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CLAIMED RIGHT OF WAY 120 - AERIAL PHOTO - 2006



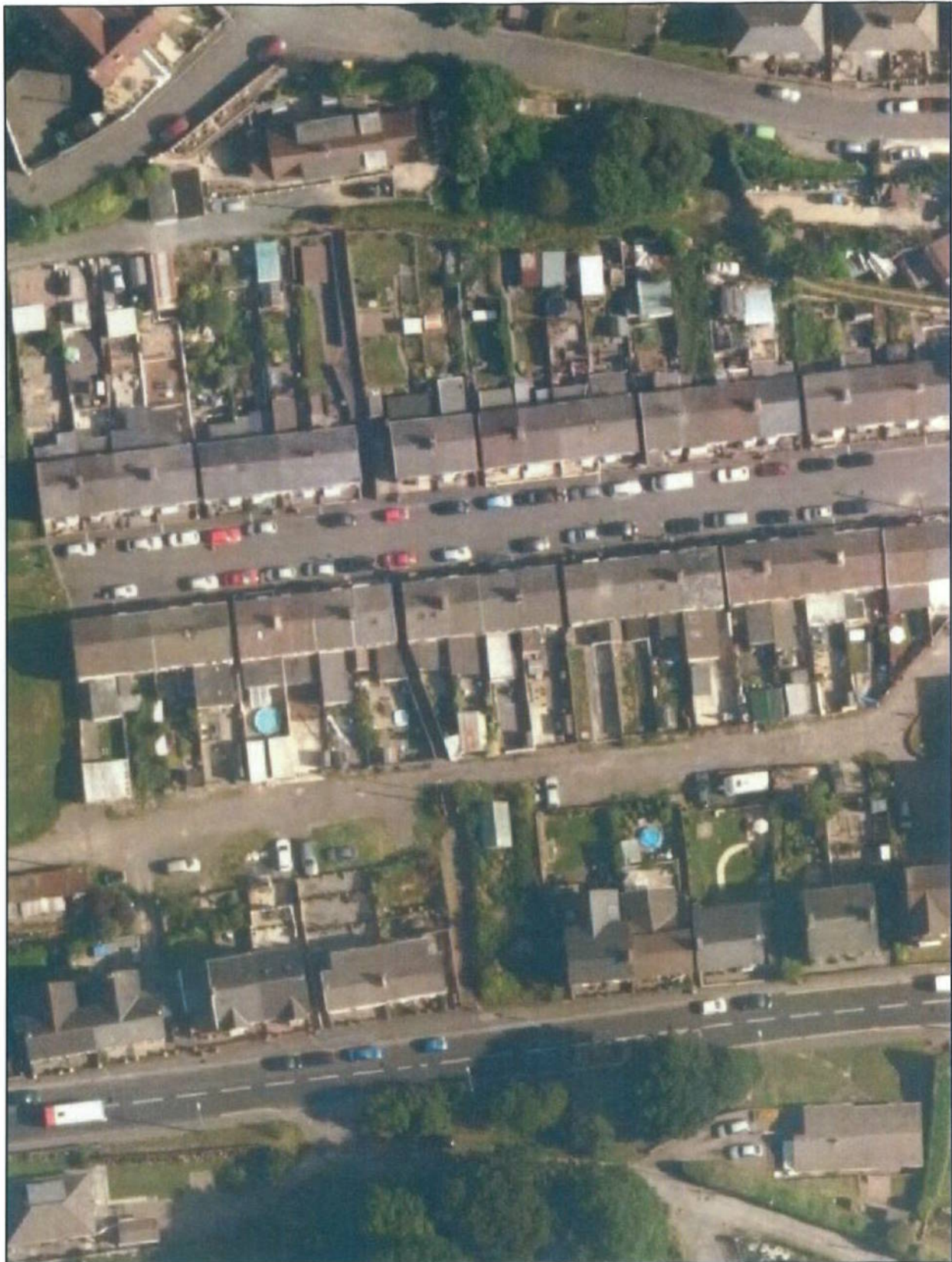
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CLAIMED RIGHT OF WAY 120 - AERIAL PHOTO - 2010



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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



