

- 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.

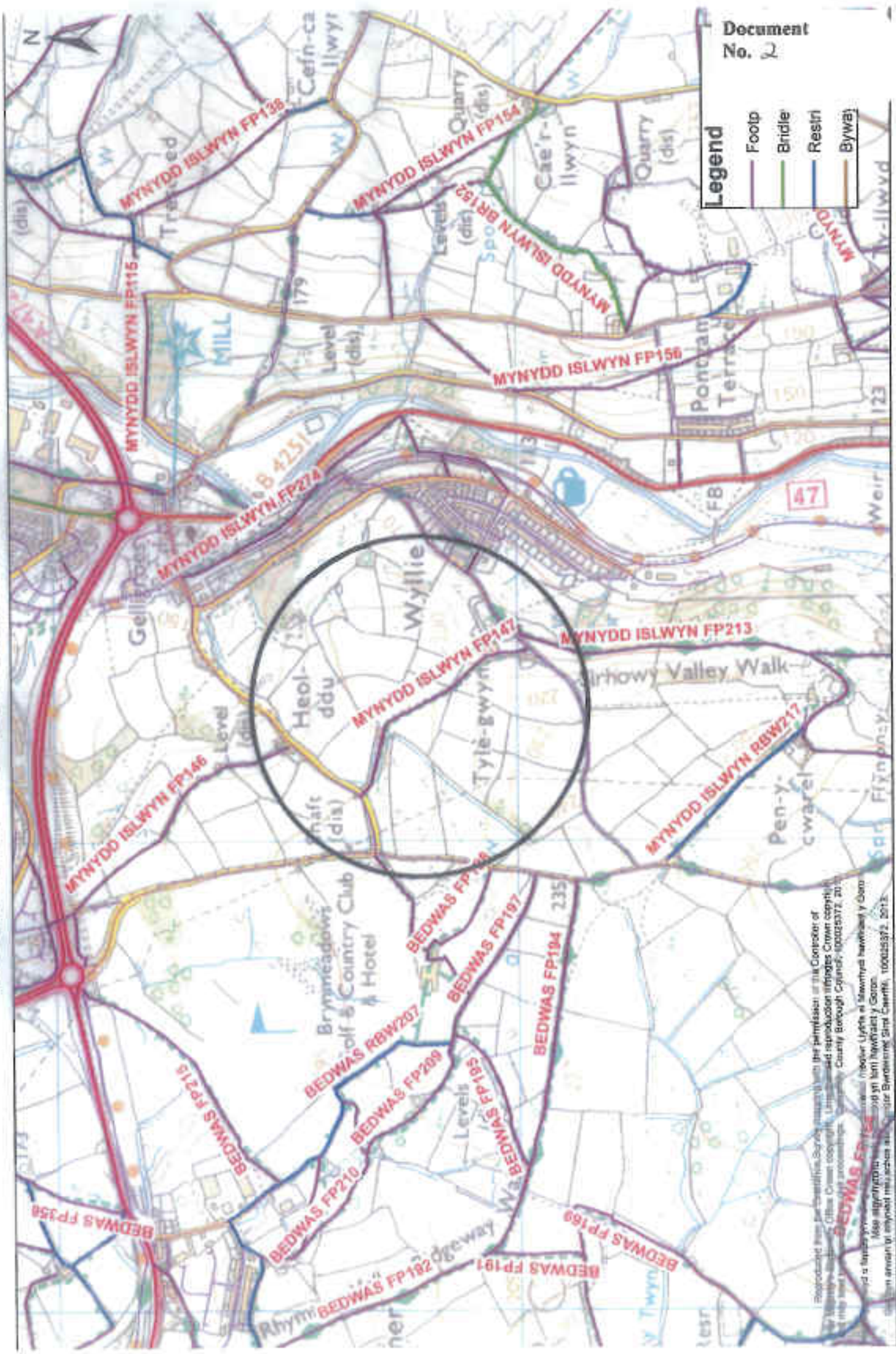
Section 31 of the Highways Act states:-

"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.



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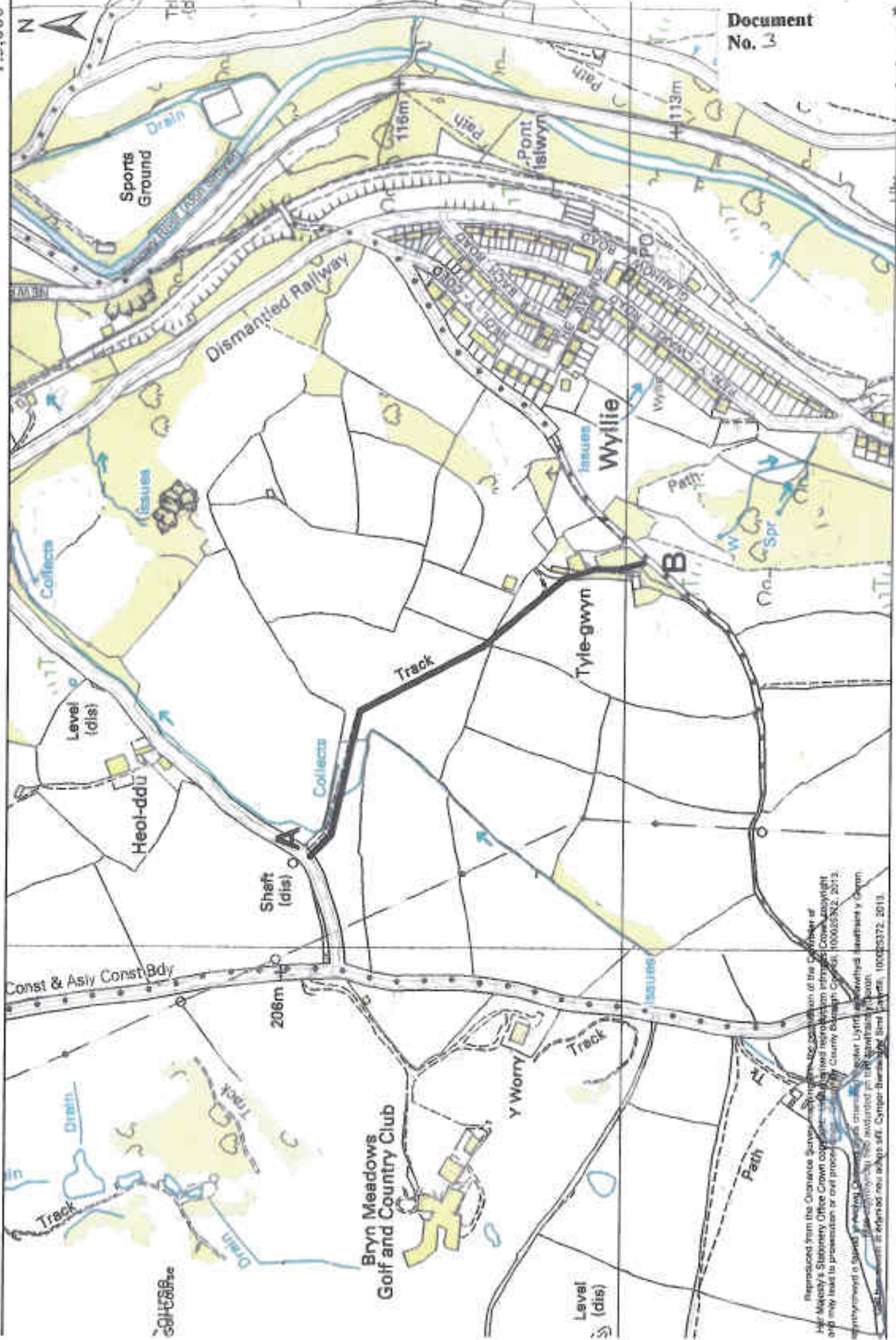
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Merthyr Tydfil Borough Council **FOOTPATH 147 IN THE COMMUNITY OF MYNYDISLWYN A-B**

1:5,000

Document No. 3



Reproduced from the Ordnance Survey map showing the position of the Centre of the Merthyr Tydfil Borough Council. The map is reproduced from the Ordnance Survey map and may be used for presentation or other purposes. The map is reproduced from the Ordnance Survey map and may be used for presentation or other purposes. The map is reproduced from the Ordnance Survey map and may be used for presentation or other purposes. The map is reproduced from the Ordnance Survey map and may be used for presentation or other purposes.

District : ISLWYN BOROUGH
Community : MYNYDDISLWYN

- 203144 144/3 Stiles by L.A.
 203144 144/4
 203144 144/5 A. 4048 foot of Gelli Lane E. to join Half Way Road
ANTHONY 56
- 203145 145/1 FP
 203145 145/2 Maesycwmer
 203145 145/3 Wicket gates by L.A.
 203145 145/4
 203145 145/5 Leaves A. 472 near Penybryn Terrace through wicket gate
ANTHONY 59 S.E. to wicket gate U.D.C. boundary road Bedwas. Hard
 surface 6' wide between fences.
- 203146 146/1 FP
 203146 146/2 Gelligroes
 203146 146/3 Stile by L.A.
 203146 146/4
 203146 146/5 Stile in fence 145 skirting coppice across rough waste
ANTHONY 58 S.E. through woodland stile Heolddu Lane. N.B. Original
 route as shown on map diverted during war illegally.
 Stiles moved by tenant farmer.
- 203147 147/1 FP
 203147 147/2 Wylie
 203147 147/3 Right not disputed 1880 O.S.
 203147 147/4
 203147 147/5 Leave Heolddu Lane at gateway east of Penheolddu, east
ANTHONY 57 then south-east skirting Tyla Gwyn Farm to lane.
- 203148 148/1 CRF
 203148 148/2 Quarry etc.
 203148 148/3 Well used path. 1879 O.S.
 203148 148/4
 203148 148/5 Approach road from Church Lane to Clawryplwf Farm,
ANTHONY 46 Cartroad - pedestrian access over
(the path numbered 148 on 1879 map)
- 203149 149/1 FP
 203149 149/2 Mynyddislwyn
 203149 149/3 Maintained by L.A. 1899 O.S.
 203149 149/4
 203149 149/5 Clawryplwf Farm west to lane - stile and steps at entry
ANTHONY 47 to lane

DOCUMENTARY EVIDENCE

Under Part VI of the "National Parks and Access to the Countryside" Act 1949, Section 27 of the act placed a duty on all County Councils to prepare Statutory Maps showing all the Public Rights of Way for their particular areas.

The preparation of the definitive map and statement was processed through three specific stages, namely: Draft, Provisional and Definitive. The definitive map and statement for CCBC was partly prepared by Glamorgan and Monmouthshire County Councils. Document No. 6 provides details of this process.

Map and Statement

Due to the geographical size of the county areas some highway authorities considered it appropriate that the draft maps and statements were prepared with the assistance of the Parish Councils where they undertook the initial survey work and preparation of draft statements.

Upon completion of the initial survey all the information was sent to the relevant highway authority who compiled the information onto one set of maps referred to as the Draft Definitive Map and Statement. This set of maps and accompanying statements were published and notice given in a local paper and the London Gazette. The maps and statements were open for public scrutiny and were liable to objection. An objection could be for the inclusion or omission of a particular route. All representations had to be received within the prescribed time period (minimum of four months). If any representation were received the authority had, under Section 29(3) to appoint a person to hear the objector and then determine whether any modification of the map and statement should be made. The result of this determination had to be notified to the person making the representation. If the authority determined to modify the map by deletion or addition of a path, notice of its determination had to be published in the London Gazette and local papers giving 28 days to object. If any representation was then made to the determination, the authority had, under Section 29(4), to notify the original objector, and, after hearing both parties, decide whether to maintain or revoke the determination. The authority had to serve notice of its decision on both parties.

A copy of an enlarged copy of the Draft Map is attached as Document No. 7.

Provisional Map and Statement

Following determination of any appeals to the Secretary of State the authority then prepared, under Section 30, a Provisional Map and Statement. This was the modified version of the draft map and statement. Notice of the preparation of this part of the act was given in the London Gazette and local paper as before. Section 31 gave the right to any owner, lessee or occupier of land over which the map showed a public right of way to apply to the Crown Court for a declaration that, at the relevant date of the map;

- there was no public right of way over the land

- the rights were those specified in the application and not those specified in the map and statement
- the position or width of the right of way were as indicated in the application and not as indicated in the map and statement
- the public right of way was subject to limitations or conditions other than those recorded in the statement or that those so recorded were incorrect

The public had no right to apply to the Crown Court.

A copy of the Provisional Map is attached as Document No. 8.

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

Definitive Map and Statement

The dates of the various stages of the definitive map and statement for Monmouthshire were:-

Draft published on the 16th December 1952,
 Provisional published on the 17th September 1965
 Definitive published 3rd December 1967

A copy of the Definitive Statement is attached as Document No. 5.

The original Definitive Map and Statement for the former Counties of Glamorgan and Monmouthshire had relevant dates of 14th September 1954 and 1st July 1952 respectively and included three classifications of paths, namely

footpath,
 bridleway and
 road used as a public path.

Definition of Status of Public Rights of Way which appeared on the original Definitive Map

Public Rights of Way shown on the Definitive Map and Statement for the Glamorgan and Monmouthshire County Councils fell within three categories, namely footpath, bridleway, and Road Used as Public Path.

These three types of path are described under Section 27 "National Parks and Access to the Countryside" Act 1949.

Footpath - a highway over which the public have a right of way on foot only - other than such a highway at the side of a public road.

Bridleway - a highway over which the public have the following, but no other rights of way, that is to say, a right of way on foot and a right of way on horseback or leading a horse with or without a right to drive animals of any description along the highway.

Road Used as a Public Path - a highway other than a public path used by the public mainly for the purposes for which footpaths and bridleways are so used.

Monmouthshire CC identified Roads used as a Public Path as Cartroad
Bridleways and Cartroad Footpaths.

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

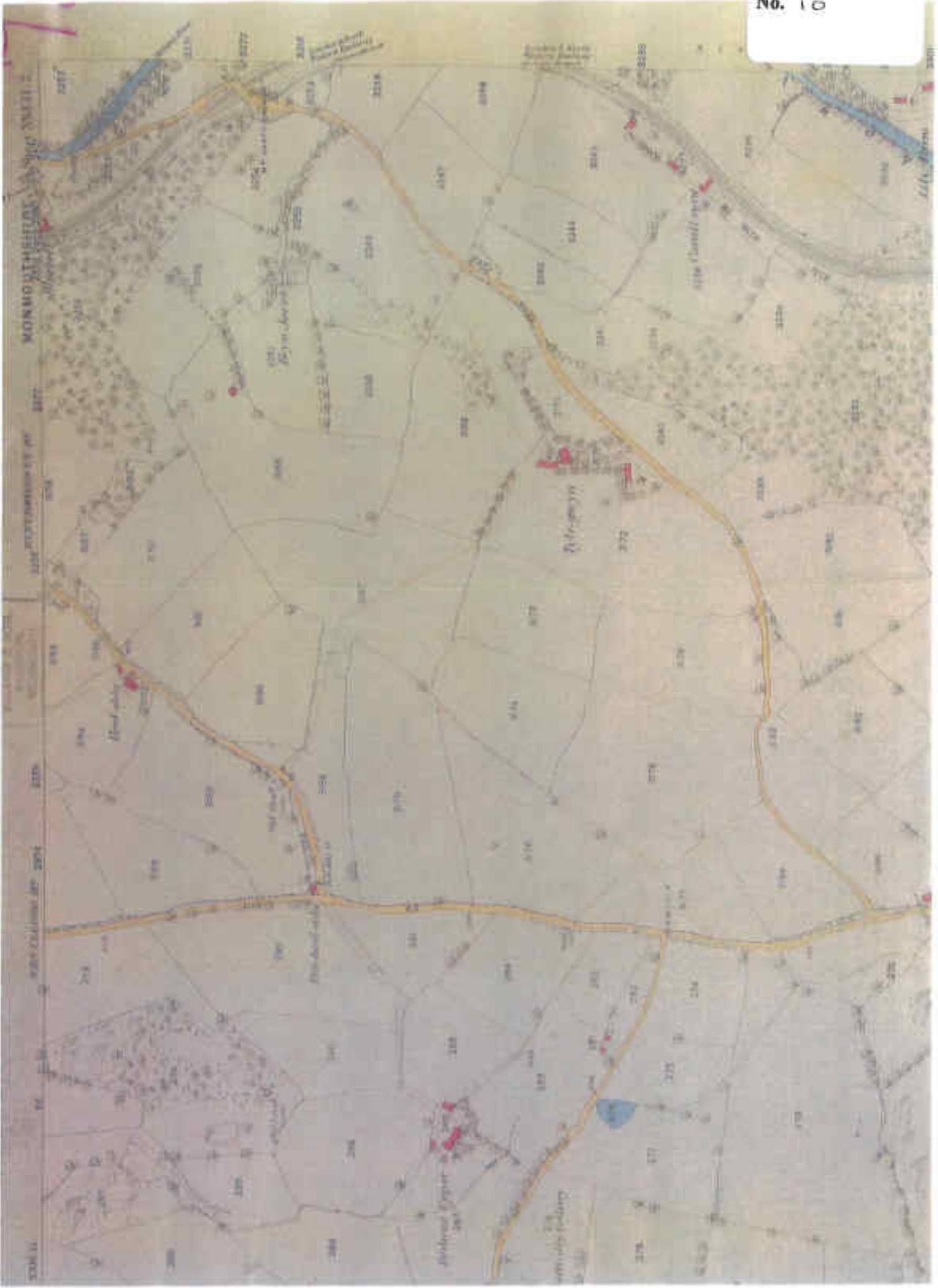
The inclusion of a bridleway or road used as a public path (cartroad bridleway or cartroad footpath) is evidence only that there was a highway shown and that the public had there over a right of way on foot, on horseback, or leading a horse with or without the right to drive livestock. If a path was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



DRAFT MAP - FOOTPATH 147 IN THE COMMUNITY OF MYNYDISLWYN







Document
No. 11



FP147 Mynyddislwyn - Aerial Photograph 1991

1:2,500



Document
No. 16

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Merthyr Tydfil Borough Council, Merthyr Tydfil, Wales
CF47 2DQ

Tŷle Gwyn Farm & House



Merthyr Tydfil County Borough Council
Planning Department
100, Merthyr Road, Merthyr Tydfil, S. Glam. NP23 5SD
Tel: 01443 834100
Fax: 01443 834101
www.merthyrtydfil.gov.uk

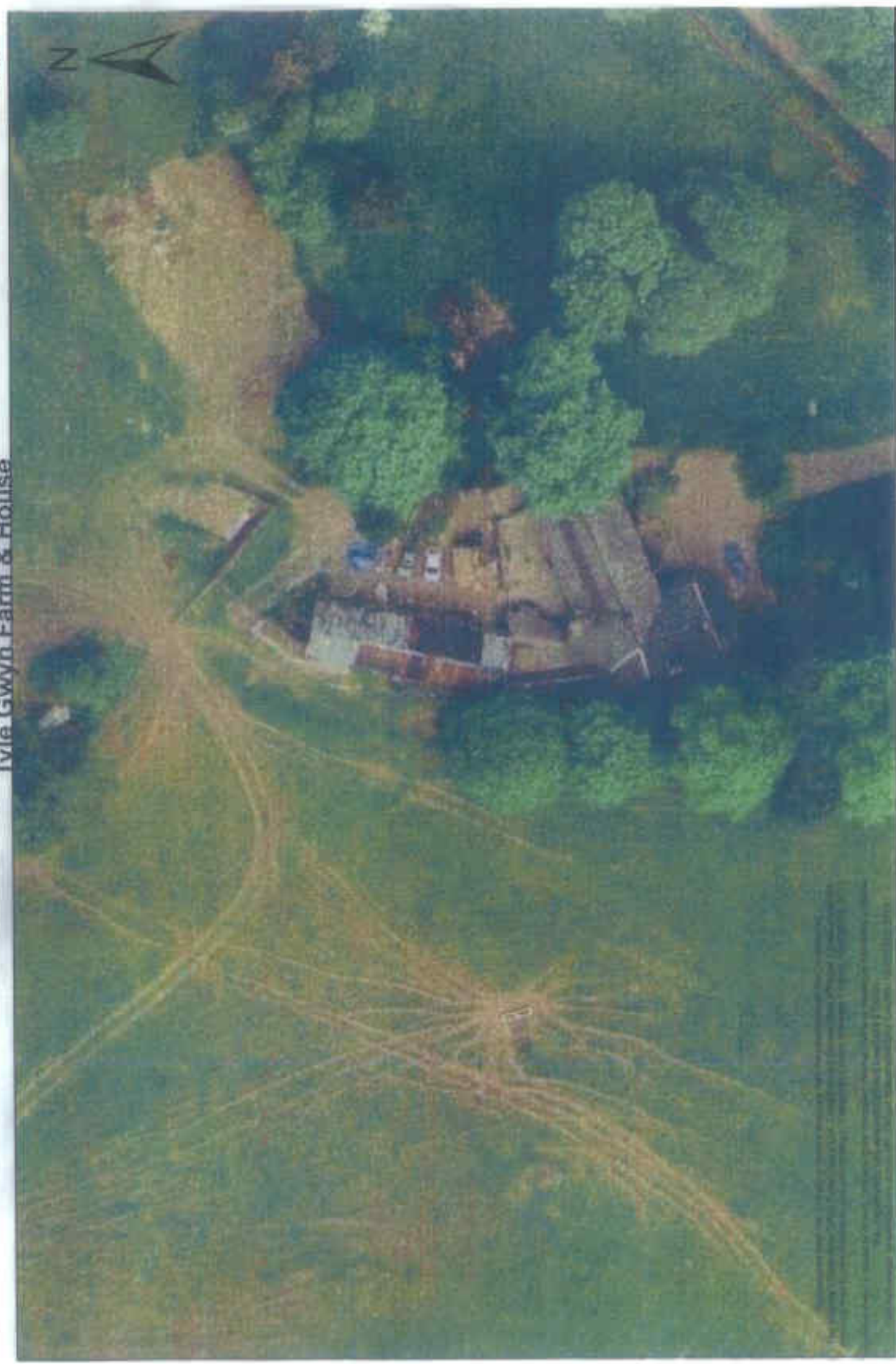
FP147 Mynyddislwyn - Aerial Photograph dated 2001

1:2,500



Document
No. 17

Merthyr Tydfil County Borough Council
Planning Department
10, Victoria Road, Merthyr Tydfil, South Wales
CF47 9JF
Tel: 01443 834100
Fax: 01443 834101
Email: planning@merthyrtydfil.gov.uk
Website: www.merthyrtydfil.gov.uk





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Tyle Gwyn Farm & House



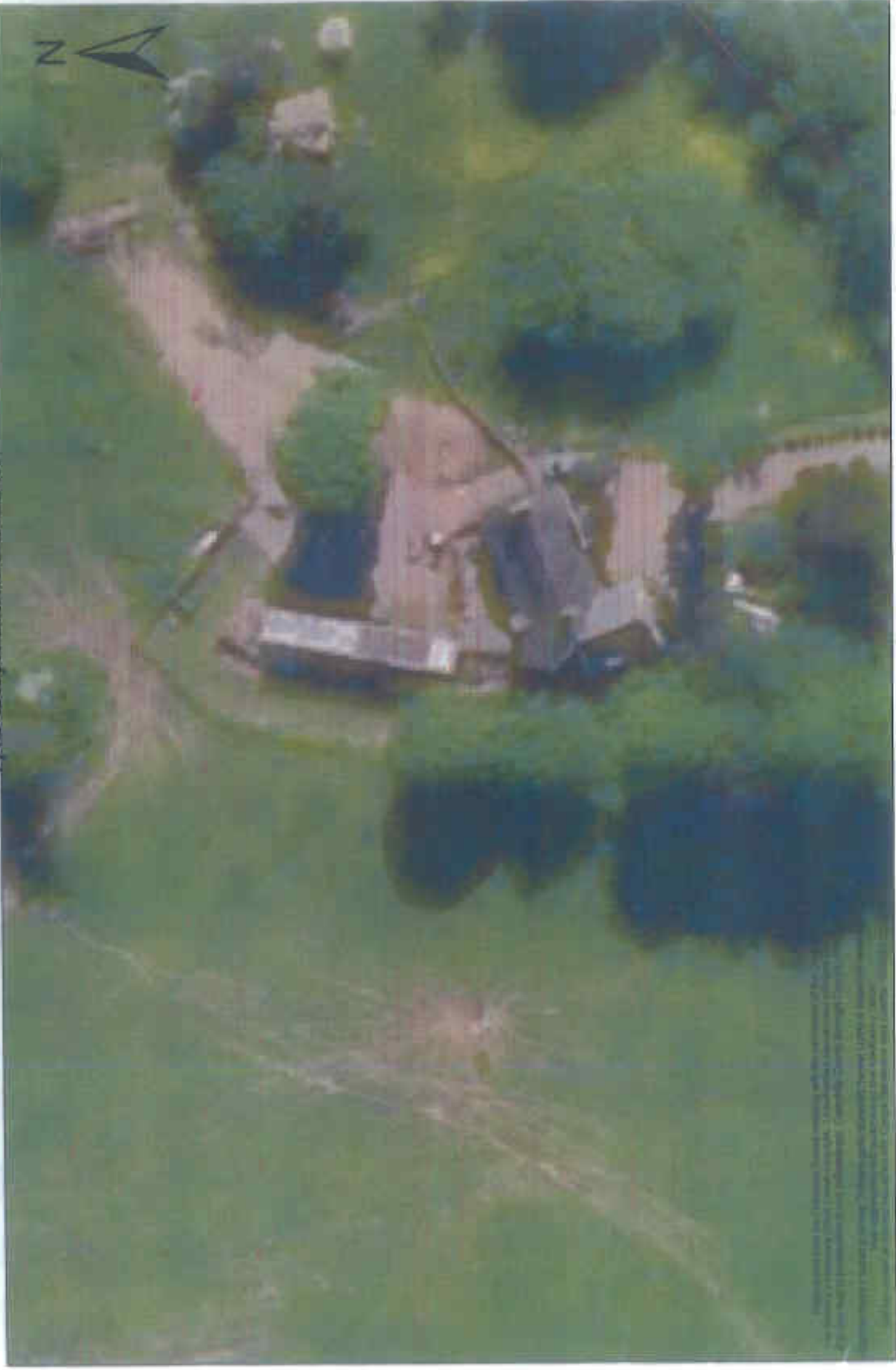
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No. 109

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Tyle Gwyn Farm & House



This photograph was taken from the air on 10th July 2011. It shows the farm buildings and the surrounding area. The buildings are made of stone and have a gabled roof. The surrounding area is a mix of green grass and trees. The photograph is oriented vertically on the page.

20/4/13

J. A. Thomas-Davies

Document
No. 21

[REDACTED]

Dear Madam,

Your Ref. ETP/ROW/FP147

I refer to the letter, dated 5th April, from
Mrs Pigeon. I have been away from home - hence
my slowness in reply, for which apologies.

I now return your form W.C.A. 5 duly
completed, together with copy of my letter to Mrs Pigeon
of 25th March which lists the documents sent to her.

Yours faithfully,

[REDACTED]

To Mrs P. K. Elliott

Head of Regeneration & Planning

Council Offices

Pontllanfroth

Blackwood NP12 2YN

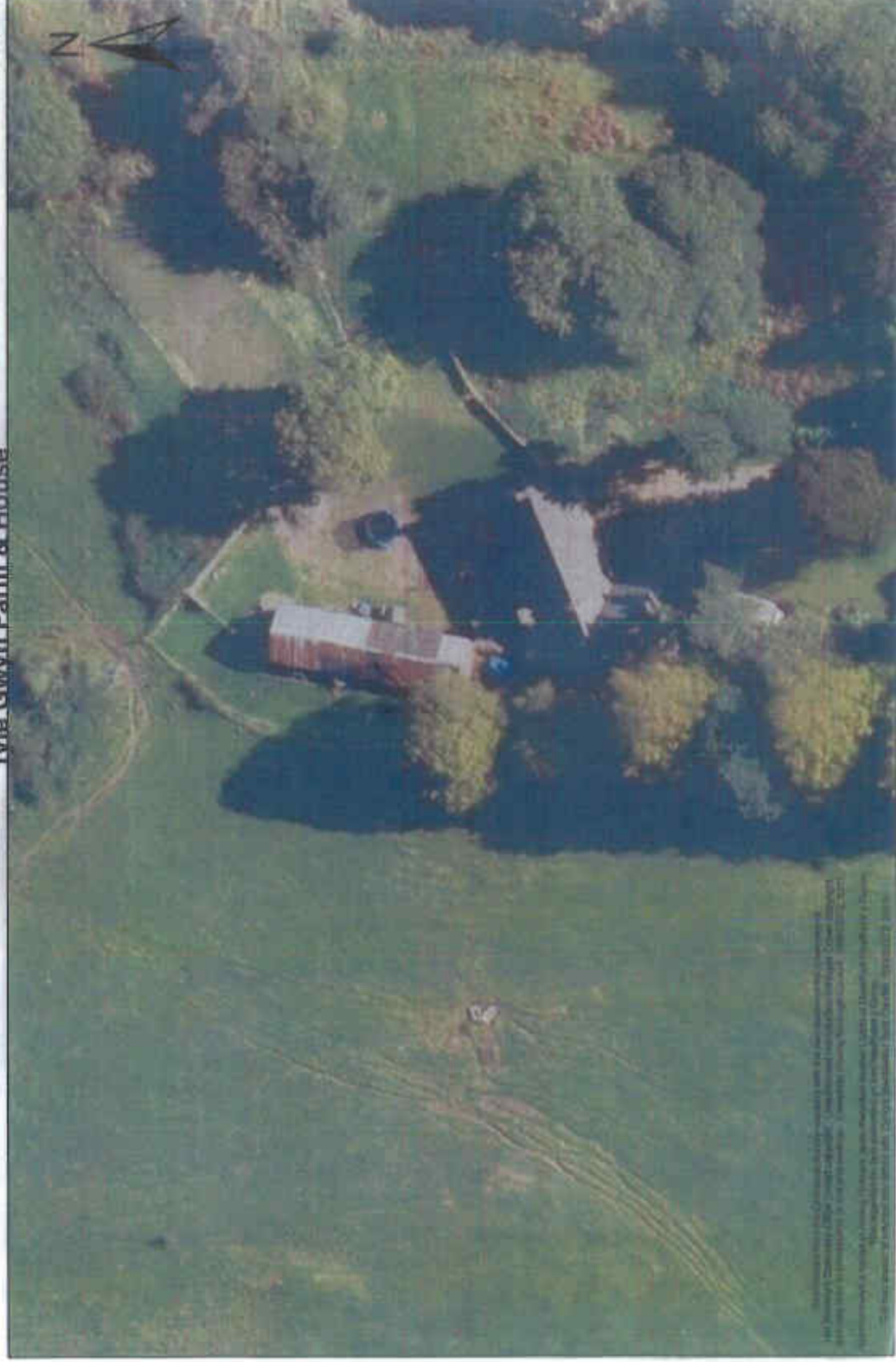
PONTLLANFROTH
23 APR 2013
HOUSE

c.c. Councillor Janet Jones

15, The Avenue

Hylke, Blackwood NP12 2HT

Tŷla Gwyn Farm & House



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J A Thomas-Davies

Document No. 22
28 FEB 2013
HOUSE

25th March 2013

Dear Mrs Piper

Alleged Footpath 147

I refer to your letter dated 25th September 2012 and subsequent correspondence.

I now enclose the following documents all in duplicate:-

1. Statutory Declaration by me dated 8th March 2013.
2. Statutory Declaration by Mrs Lorraine Ruff J.P. dated 17th May 2009
3. Statutory Declaration by Mr Reginald Ruff dated 17th May 2009
4. Statutory Declaration by Mr Stephen Watkins dated 21st December 2012.
5. Signed Statement by Mr Stephen Watkins dated 26th February 2009 stating that he is a J.P.
6. Statutory Declaration by Mr David Coonick dated 17th December 2012.
7. Statutory Declaration by Mr John Coonick dated 17th December 2012
8. Statutory Declaration by Mr Andrew Down – Sergeant Gwent Police – dated 1st February 2013.
9. Signed Statement by Mrs Julie Down dated 18th March 2009.
10. Statutory Declaration by Mr Allan Beddoe - late of British Transport Police - dated 17th February 2013
11. Statutory Declaration by Mr and Mrs Fletcher dated 19th February 2013.
12. Signed Statement by Mr and Mrs Marsh dated October 1995.
13. Signed Statement by Mr Robert Marsh dated 19th February 2009.
14. Signed Statement by Mr Edgar Symons dated 10th March 1996.
15. Signed Statement by Mr Carl Tiley dated 2nd March 2009
16. Signed Statement by Mrs Jessica Tiley dated 2nd March 2009
17. Signed Statement by Mr Peter Watkins dated 16th March 1996
18. Signed Statement by Mr Peter Watkins dated 20th March 2009
19. Signed Statement by Mrs Jessie Gibbons dated 17th March 1996
20. Signed Statement by Mrs Jessie Gibbons dated 10th February 2009
21. Signed statement by Mr S Oliver dated 25th September 1996.

I have the originals of all statutory declarations and some original signed statements.

I enclose also a copy of my letter dated 19th January 1997 to your Authority which indicates that you probably have the originals of some other signed statements on your files.

I am aware of the procedure laid down by Parliament for the provisional registration of public footpaths. Interested parties (e.g. tenants and owners) were notified of the provisional registration and were given an opportunity to raise objection within a limited time-scale. In the absence of

objection the registration ceased to be provisional. It appears from the entry in the register that in the case of F.P. 147 neither Mr Matthew Watkins, the tenant, nor my father objected.

Mr Watkins was a good farmer and a careful man of business. He died in 1983 leaving a talented family. This is the extent of my knowledge of him.

My father was a diligent lawyer.

Beyond the assertion of one person who wrote to Gwent County Council on 5th November 1995 there is an absence of evidence that Mr Watkins admitted the existence (or registration) of a public footpath. His family certainly deny it.

As for my father, he never indicated any awareness of this. From 1945 until his death in 1984 I was often involved in his business.

I conclude that somehow the parliamentary safeguard of formal notification went awry.

An examination of your records running back to the times of Monmouthshire and Gwent County Councils may establish the contrary but I do not believe the issue surfaced until 1994, 10 years after I had assumed responsibility for my father's affairs. It seems that it had lain dormant for 40 years.

It may be said that I have been dilatory in addressing and challenging what I see as an injustice. I can only say that I have always had other pressing concerns and limited resources and the delay has not been mine alone. I refer again to the records in your keeping.

One of those who wrote to your predecessor in the Gwent County Council said that people who supported my contention (that there was no rightful public footpath across Tyle Gwyn Farm) must be my 'friends'. This is true in most cases though I utterly reject the inference that their testimony is therefore suspect. One, Stephen Watkins, I have never knowingly met and another might have had some justification for refusing co-operation since he and I had been in dispute some years ago. In general, one does not approach total strangers on such a matter.

Very few of those who have been willing to go to the trouble of making statutory declarations and signed statements have anything to gain from the outcome beyond the satisfaction of seeing a wrong rectified. These are people of marked integrity. I am proud to call them friends.

Please bring this matter to the attention of the County Borough Cabinet.

Yours sincerely



J A Thomas-Davies

cc. Councillor Janet Jones, 15 The Avenue, Wyllie, Blackwood, Gwent NP12 2HJ

To: The Footpath Officer, Caerphilly County Borough Council, Pontllanyraith House,
Pontllanyraith, Blackwood, Gwent NP12 2YW

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 Myayddic Llyn

I/We (name of applicant) John G Thomas Davies

of (address of applicant) [REDACTED]

Telephone N° (Home) [REDACTED]

(Business) [REDACTED]

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° 147
leading from Healdydd Lane east of Penleiddu
to lane in front of Tylor Gwyn House

OR

2. *Adding the *(footpath) *(bridleway) *(byway open to all traffic)
shown as N° [REDACTED]
leading from [REDACTED]
to [REDACTED]

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:-

*Ref my letter to Mr Piper of 25/3/13 (copy attached)
and document therein enclosed*

Dated *20th April* 20*13*

Signed

* Please delete as appropriate

Dated 8th March 2013

Statutory Declaration

By

JOHN ANTHONY THOMAS-DAVIES

Relating to Footpath 147,

Tyle Gwyn Farm,

Wyllie,

Blackwood,

Gwent

Parrott & Coales LLP
14 Bourbon Street
Aylesbury
Buckinghamshire
HP20 2RS

JL/48262

I, **JOHN ANTHONY THOMAS-DAVIES** of Culverton Farm, Princes Risborough, Buckinghamshire, HP27

DEU do solemnly and sincerely declare as follows :-

1. I make this declaration as part of my application to have the registration of footpath 147 across Tyle-Gwyn Farm, Wyllie, Blackwood, Gwent deleted from the register of public footpaths maintained by Caerphilly County Borough Council. That footpath is coloured red on the plan now produced and shown to me marked JAT-D1.
2. I am aged 78 and am a retired lecturer.
3. My grandfather, John Thomas-Davies was born at Tyle Gwyn in 1865.
4. At that time and I believe for many years before, there was a track running across the farm from the public road way to the north to a milking shed and dairy in the south. This track is marked in red on the 'Historical Map 1873 – 1888' a copy of which is shown to me and marked JAT-D2, furnished by Caerphilly County Borough Council. It will be noted that the track which must have been used for the movement of livestock, does not go beyond the dairy in a southerly direction. The dairy building is now a ruin and is marked on JAT-D3 with a blue ring. 3 photographs are annexed and marked JAT-D4.
5. Wyllie Colliery was established by Tredegar Southern Collieries in the early 20th Century. The village of Wyllie was built shortly after the First World War.
6. At about this time Tyle Gwyn House was subdivided. The western side became known as the farm house and was occupied by the farm tenant and his family. The eastern side, Tyle Gwyn House, was occupied by my family until the 1950s.

7. In the 1950s Tyle Gwyn House, the eastern end, was leased to the National Coal Board (successor of Tredegar Southern Collieries) and was occupied by the colliery manager and his family until 1965 when a new manger's house was built by the National Coal Board.
8. Mr Matthew Watkins was the farm tenant and lived in Tyle Gwyn Farm house from 1938 until his death in 1983. His widow remained there until 1988 and Mr Peter Watkins, her son, a veterinary surgeon, managed the farm until Mr Coonick took over the tenancy. Mr Coonick remains the farm tenant to this day.
9. When Mrs Watkins left Tyle Gwyn, Mr Robert Marsh took over the tenancy of the farm house and then Tyle Gwyn house.
10. During Mr Matthew Watkins' tenancy, Tyle Gwyn continued to be a dairy farm. By this time the old dairy (referred to in paragraph four above) was no longer used. Instead milking took place on the ground floor of the barn in the farmyard. People came up from the village to buy milk by way of a stile and private footpath skirting the old orchard and below the house drive. This private footpath is marked in green on exhibit JAT-D2.
11. I was born in 1934. My father was in the Army from 1939 – 1945. Both before and after the War he frequently visited Tyle Gwyn on business. From 1945 onwards I often accompanied him. I knew Mr and Mrs Watkins.
12. My father died in 1984. I then became the managing Trustee of his estate.
13. I became the owner of Tyle Gwyn in about 1988. During the late 1980s and early 1990s I spent much time living at Tyle Gwyn and working on the house.
14. In about 1996 I conveyed the farm house and the farm to my son Richard, retaining title to Tyle Gwyn House, the barn and the farmyard.

15. In 2004 the house, the farm house, the barn and the farmyard were sold. In the same year my son Richard moved to Australia and sold Tyle Gwyn farm to my wife and myself. The farm remains in our title.
16. During much of my boyhood and the whole of my adult life I have known Tyle Gwyn intimately. Many local residents have become my friends. Never, from 1945 to the present time have I known anyone using the alleged footpath across the farm, nor have I known anyone who claimed there was such a public footpath. It is therefore my sincere belief that footpath 147 was registered in error and should be deleted from the record. It is my conviction that the private footpath to the farmyard connected to the ancient working farm track was thought to be a public way, was put forward in error and no objection was raised either by my father or by Mr Watkins. It is possible that they were unaware of the provisional registration. It therefore remains on the register exhibit JAT-D5 to this day with the note 'Right not disputed'.
17. In 1995, when I first became aware of the alleged footpath 147, Gwent County Council, which was then the footpath authority, contended that it must run down the front drive. At that time it seemed to me utterly improbable that the farmer, or my family whilst they lived in the house or, after them, the colliery management would have permitted such a use of their drive. Since Caerphilly County Borough Council has taken over the responsibility for footpaths it has been argued that the footpath runs across the farm house garden and onto the back lane. There is not now, and never to my knowledge has been, any evidence of an access on to the back lane there. The considerable difference in land levels between the garden and the back lane makes this most unlikely.

18. Last year I spoke to the Footpath Officer about footpath 147. She told me that the problem was that it was marked on the Ordinance Survey maps. On examination, I found that the footpaths across adjacent farms were marked "F.P.". The dotted line across Tyle Gwyn was marked "TK". In consequence I wrote to the Ordinance Survey and asked them whether there was any significance in the discrepancy. I annex their reply dated 14th November 2012, marked JAT-D6, which I believe supports my view that this was a farm track used for the ordinary business of the farm rather than a footpath. I am a countryman, and a keen walker. I have lived on farms most of my life. I have never known a farm without tracks.

And I make this solemn declaration conscientiously believing the same to be true and by virtue of the provisions of the Statutory Declarations Act 1835.

Declared at KIDD RAPINET in the County of
BUCKINGHAMSHIRE

this 8th day of March 2013



Before me SR Chubb.

A Commission for Oaths/Solicitor

Kidd Rapinet
Solicitors
Western House
14 Rickfords Hill
Aylesbury, Bucks HP20 2RX
Tel: 01296 432541

EXHIBIT MARKED 'JAT-D 1'

Referred to in the Declaration made by

JOHN ANTHONY THOMAS - DAVIES

Made this

8th

day of

March

2013

Before me

SR Clubb

Commissioner of Oaths/Solicitor

Kidd Rapinet
Solicitors
Western House
14 Rickfords Hill
Aylesbury, Bucks HP20 2RX
Tel: 01296 432541

VATALI

ORDNANCE SURVEY

Scale 1:10,560 or 6 Inches to 1 Mile

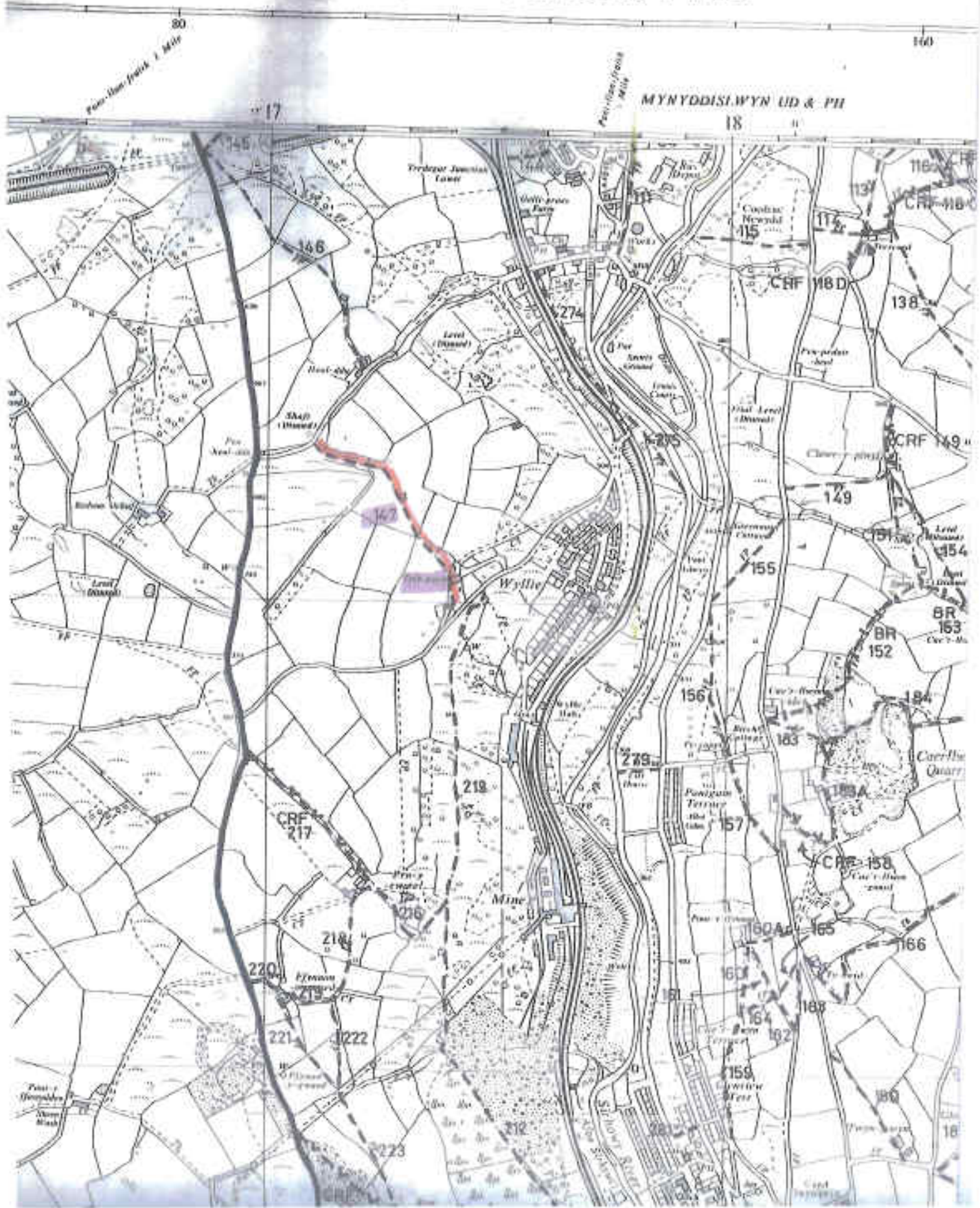


EXHIBIT MARKED 'JAT-D 2'

Referred to in the Declaration made by

JOHN ANTHONY THOMAS - DAVIES

Made this

8th

day of March

2013

Before me

SR Clumb

Commissioner of Oaths/Solicitor

Kidd Rapinet
Solicitors
Western House
14 Rickfords Hill
Aylesbury, Bucks HP20 2RX
Tel: 01296 432541

EXHIBIT MARKED 'JAT-D 3'

Referred to in the Declaration made by

JOHN ANTHONY THOMAS - DAVIES

Made this 8th day of March 2013

Before me *SR Clusby*

Commissioner of Oaths/Solicitor

Kidd Rapinet
Solicitors
Western House
14 Rickfords Hill
Aylesbury, Bucks HP20 2RX
Tel: 01296 432541

EXHIBIT MARKED 'JAT-D 4'

Referred to in the Declaration made by

JOHN ANTHONY THOMAS - DAVIES

Made this *8th* day of *March* 2013

Before me *JK Chubb*

Commissioner of Oaths/Solicitor

Kidd Rapinet
Solicitors
Western House
14 Rickfords Hill
Aylesbury, Bucks HP20 2RX
Tel: 01296 432541

JAN 28



V. 97-24



7A.1.2.4



EXHIBIT MARKED 'JAT-D 5'

Referred to in the Declaration made by

JOHN ANTHONY THOMAS -DAVIES

Made this 8th day of March 2013

Before me *SRChubb*

Commissioner of Oaths/Solicitor

Kidd Rapinet
Solicitors
Western House
14 Rickfords Hill
Aylesbury, Bucks HP20 2RX
Tel: 01296 432541



Mr J Thomas-Davies
Collins Farm
Loosley Row
AYLESBURY
Hucks
HP27 OPE

If telephoning, the person dealing
with this matter is :

Mrs Ruth Reid

Direct Line Tel: 01633 832661

Date : 4 January 1995

Your Ref :

Our Ref : RR/FP/FP147

Dear Mr Thomas-Davies

ISLWYN BOROUGH: Mynyddislwyn Community: Public Footpath No 147 at
Tyla Gwyn Farm

I refer to your telephone conversation with Mrs Fiona Ford in September this year.

A copy of the Definitive Map of Public Rights of Way, together with the statement were sent to you on 28 September 1994 and I understand that you wish to challenge the inclusion of the footpath.

The original survey of the area was carried out in the early 1950s and I enclose a photocopy of the original submission.

The onus is on you to prove that no right of way exists and it will be necessary for you to produce substantial evidence to that effect. The sort of evidence that would be needed would be statements from people who knew the area well in the early 1950s and could verify that it was not used by the public.

If you need any further details, please do not hesitate to contact me.

Yours sincerely

R. Reid

Ruth Reid
Rights of Way Officer

Enc

Assistant Directors:

Countryside and Environment:

Economic Development:

Strategy and Implementation:

Head of Administrative Services:

John Palmer, B.A.(Hons.), M.R.T.P.I., F.T.S.

Andrew Fretter, B.Sc.(Hons.), Dip.T.P., M.R.T.P.I.

John Rodger, Dip.Arch., Dip.T.P., M.R.T.P.I.

Caroline Gundy, M.B.A., A.C.I.S., D.B.A.



GWENT
THE NATURAL CHOICE

District : ISLWYN BOROUGH
Community : HYNDDISLWYN

203144	144/3	Stiles by L.A.
203144	144/4	
203144	144/5	A. 4048 foot of Gelli Lane E. to join Half Way Road
203145	145/1	FP
203145	145/2	Maerycanner
203145	145/3	Wicket gates by L.A.
203145	145/4	
203145	145/5	Leaves A. 472 near Penybryn Terrace through wicket gate S.E. to wicket gate U.D.C. boundary road Bedwas. Hard surface 6' wide between fences.
203146	146/1	FP
203146	146/2	Gelligroes
203146	146/3	Stile by L.A.
203146	146/4	
203146	146/5	Stile in fence 145 skirting copse across rough waste S.E. through woodland stiles Heolddu Lane. N.B. Original route as shown on map diverted during war illegally. Stiles moved by tenant farmer.
203147	147/1	FP
203147	147/2	Wylle
203147	147/3	Right not disputed 1889 O.S.
203147	147/4	
203147	147/5	Leaves Heolddu Lane at gateway east of Penheolddu, east then south-east skirting Tyla Gwynn Farm to lane.
203148	148/1	CRP
203148	148/2	Quarry etc.
203148	148/3	Well used path. 1879 O.S.
203148	148/4	
203148	148/5	Approach road from Church Lane to Stawryplwyl Ffarm. Cartroad - pedestrian access over
203149	149/1	FP
203149	149/2	Hynodd. Hlyn
203149	149/3	Maintained by L.A. 1899 O.S.
203149	149/4	
203149	149/5	Stawryplwyl Ffarm west to lane - stile and steps at entry to lane

* 147 = FOOT PATH NUMBER

147/1 = TYPE OF PATH i.e. FOOT PATH

/2 = NAME OF PATH

/3 = JUSTIFICATION OF RIGHT OF WAY

/5 = DESCRIPTION OF PATH

Sheet No.
(5) 17.

(4)

leaves Hsolicl Lane at gateway east of Penbericâu, east then south-east skirting Tylis Gwyn Farm to lane.

High not disputed.
1880 O.S.

Approach road from Church Lane to Clwryplwyf Farm. Cartroad - pedestrian access over.

Well used path.
1879 O.S.

Clwryplwyf Farm west to lanes - stiles and steps at entry to lanes.

Maintained by L.A.
1899 O.S.

Clwryplwyf south to Caerllwyn Colliery - disused.

1899 O.S.

Caerllwyn Colliery south-west over quarry tips then west to old road near Caerllwyn Bwth.

1879 S.E.

Caerllwyn Colliery to Caerllwyn Farm and Class III road.

1879 O.S.

Clwryplwyf to Caerllwyn Farm.

Maintained by L.A.

From lower Caerllwyn Road near Springs south west to old Ynyyddu Road.

1899 O.S.

Stone stile on old Ynyyddu Road south to Ty Coppi.

EXHIBIT MARKED 'JAT-D 6'

Referred to in the Declaration made by

JOHN ANTHONY THOMAS - DAVIES

Made this 8th day of March 2013

Before me ORChubb

Commissioner of Oaths/Solicitor

Kidd Rapinet
Solicitors
Western House
14 Rickfords Hill
Aylesbury, Bucks HP20 2RX
Tel: 01296 432541

14 November 2012

General enquiries: +44 (0)8456 05 05 05
Textphone (deaf and hard of hearing users only please):
+44 (0)23 8005 6146**Mr J A Thomas-Davies**
Culverton Farm
Wycombe Road
Princes Risborough
Buckinghamshire
HP27 0EUwww.ordnancesurvey.co.uk
customerservices@ordnancesurvey.co.ukOur ref: OS1411TD
Your ref: GV-83373

Dear Mr Thomas-Davies

Re: OS sheet ST10SE 6" to 1 mileThank you for your letter dated 13th November 2012.

In regards to your enquiry during this time a surveyor would have visited the site and observed that the area in question was a track rather than a footpath and recorded it as such.

Unfortunately Ordnance Survey does not hold surveyor notes so we are unable to give you any more information than this.

A footpath would usually be associated with a path that is open to the public to walk and a track would represent a path without a specific use. All our mapping does carry the disclaimer that these are not necessarily rights of way.

I trust this information has been useful to you and thank you for contacting Ordnance Survey.

Yours sincerely

**Tom Williams – Customer Service Advocate**

STATUTORY DECLARATION

IN THE MATTER OF FOOTPATH 147 CAERPHILLY COUNTY BOROUGH COUNCIL

I, LORRAINE RUFF of [REDACTED] DO
SOLEMNLY AND SINCERELY DECLARE as follows :

1. I make this declaration in support of what I understand to be an application by Mr. J.A. Thomas-Davies for the cancellation of the registration of a footpath numbered 147 in the registers of Caerphilly County Borough Council. That footpath is shown coloured red on the plan now produced to me and marked "LR1" ("the Plan").
2. I am one of Her Majesty's Justices of the Peace. I am the wife of Reginald James Ruff; we married in 1957 and upon our marriage I moved into Heol Ddu Farm, Gellgroes, Blackwood, South Wales. I have therefore lived at Heol Ddu Farm for some fifty two years at the date I make this Declaration. The farmhouse of Heol Ddu Farm is shown coloured pink on the Plan.
3. I am well acquainted with not only the land which forms Heol Ddu Farm but also the land belonging to neighbouring farms. I am also well acquainted with the footpaths in this area.
4. It is my personal view that the footpath in question is wrongly designated as a public footpath. It is, and always has been while I have lived at Heol Ddu Farm, only a farm track which has been used purely for the benefit of the owners of the farm over which it runs, namely Tyle Gwyn Farm.
5. From the farmhouse of Heol Ddu Farm, there is a clear view of the footpath in

question over some two thirds of its length. I can categorically state that since I have lived at Heol Ddu Farm I have never seen anyone using it as a footpath. I regularly see ramblers and walkers using other footpaths in this area, but I have never seen anyone using this footpath. I am aware however that relatives of my husband, who lived at a neighbouring farm, at one time used the path to get to services in a chapel in Wylie, though I understand that they did so with the consent and knowledge of the owner of Tyle Gwyn Farm.

6. I can further state that since I have lived at Heol Ddu Farm no footpath signs or any other indication of the existence of a footpath has ever been placed on or near the start of the footpath in question (marked "A") on the Plan.

7. It is therefore my firm belief that the footpath in question has never been used by the public as a footpath in any shape or form.

AND I MAKE THIS SOLEMN DECLARATION conscientiously believing it to be true and by virtue of the provisions of the Statutory Declarations Act 1835.

DECLARED at *Erernigwales*

this *17th* day of *May*
2009



Before me,

Naureen Hodson

Solicitor/Commissioner for Oaths/Justice of the Peace

"LRI

This is the plan referred to in the Statutory
Declaration of Lorraine Platt made before me
on 17th day of May 2001

Lorraine Platt
Director



FP
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Leave Heolddu Lane at gateway east of Penheolddu, east
 then south-east skirting Lyla Gwyn Farm to lane.


5. Until 1936 my cousins, Glenys Ruff and Edith Ruff, farmed and lived at Bedwas Uchaf Farm, the approximate position of their farmhouse being coloured blue on the Plan. That farmhouse now forms the Ccubhouse of Bryn Meadows Golf Club. My said cousins used the footpath in question to walk to and from services in a chapel in Wyllie and it was well known in our family that they did so with the kind permission of the land owner – I.e. the owner of Tyle Gwyn Farm.

6. It has been suggested to me that the footpath in question may have been created for the benefit of colliers going to and from Wyllie Colliery. I can categorically state that that is not correct. The footpath at its southern end passes alongside the farmhouse of Tyle Gwyn Farm (which is coloured green on the Plan). For many years that house was occupied as a residence by the manager of the nearby colliery. In these days of equality it may now be thought an oddity but I can quite certain that the manager of a colliery would never have permitted working men and colliers to pass so close to his house.

7. I can further state that no footpath signs or any other indication of the existence of a footpath has ever been placed on or near the start of the footpath in question (marked "A") on the Plan.

8. It is therefore my firm belief that the footpath in question has never been used by the public as a footpath in any shape or form.

AND I MAKE THIS SOLEMN DECLARATION conscientiously believing it to be true and by virtue of the provisions of the Statutory Declarations Act 1835.

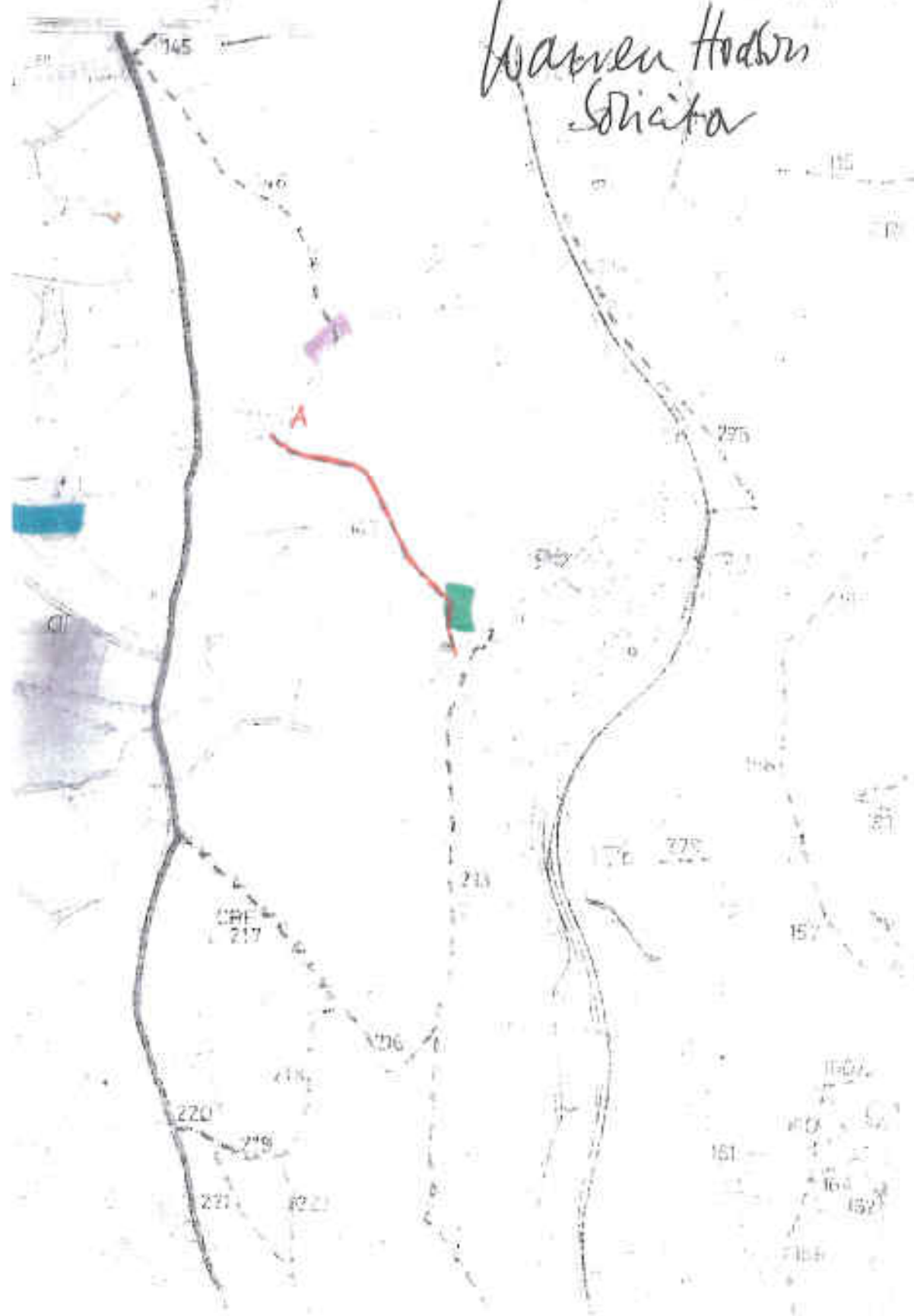
DECLARED at *Pittsford*
this *17th* day of *May* 

Before me,
Warren Hodson
Solicitor/Commissioner for Oaths/Justice of the Peace

A RJK 1

This is the Plan referred to in the Statutory Declaration of Reginald James Ruff made before me this 17th day of May 2005

Warren Hudson
Solicitor



FP
 Wyllie
 Right not disputed 1880 O.S.

Leave Heolddu Lane at gateway east of Penheolddu, east then south-east skirting Tyla Gwyn Farm to lane.

- 203147 147/1
 - 203147 147/2
 - 203147 147/3
 - 203147 147/4
 - 203147 147/5
- 57.

17th May 2009

IN THE MATTER OF FOOTPATH 147 - CAERPHILLY COUNTY BOROUGH COUNCIL

STATUTORY DECLARATION

BY

REGINALD JAMES RUFF

7. It is therefore my firm belief that the footpath in question has never at any time been used by the public as a footpath in any form.

AND I make this solemn declaration conscientiously believing the same to be true and by virtue of the provisions of the Statutory Declarations Act 1835.

Declared at *Fishguard Pembrokeshire*)
This *21st* day of *December* 2012)
Before me,)



A handwritten signature in black ink, appearing to be 'S. J. Jones'.

Commissioner for Oaths/Solicitor empowered to administer Oaths

To Whom it may Concern

I, Stephen Watkins, of [REDACTED]
Pembrokeshire. SA41 3XE

am a farmer and Justice of the Peace aged 67 years.

I was brought up at Tylagwyn Farm, Wyllic, Blackwood, Monmouthshire.
To where my parents moved in 1938, and where they remained as Tenants
for some 50 years.

From earliest child-hood until the termination of the Tenancy in 1988 I knew
the farm and the activities on it very well. During that time I was never
aware of Members of the Public walking, as of right, across the land.

Signed.....



Dated.....

February 26th 2009

I, DAVID JOHN COONICK of [REDACTED]
Blackwood, NP24 0SA DO SOLEMNLY AND SINCERELY
DECLARE as follows:-

1. I am 50 years of age, and am a Farmer.
2. My father, John Coonick is the tenant of Tyle Gwyn Farm, Wyllie, Blackwood, and I have worked that land alongside my father ever since he took the tenancy in 1984.
3. Since 1984 the only person I have seen, and know of as having walked on or across the land at Tyle Gwyn Farm is an individual known to me as Derek Oliver. He has permission to shoot vermin on the land which helps to keep vermin under control to assist with the overall management of the farm.
4. I have never, throughout this entire period, seen any other person walking on a footpath, or otherwise, on or across the land at Tyle Gwyn Farm at any time.

AND I MAKE THIS SOLEMN DECLARATION conscientiously
believing the same to be true and by virtue of the Statutory Declarations
Act 1835

DECLARED at Usk in the
County of Monmouthshire [REDACTED]
this 17th day of December 2012

Before me



Solicitor / Commissioner for Oaths

Jonathan Stephens & Co Solicitors
Ty Cornel
11 Castle Parade
Usk

I, JOHN COONICK of [REDACTED] DO
SOLEMNLY AND SINCERELY DECLARE as follows:-

1. I am 73 years of age, and am a Farmer.
2. I am the tenant of [REDACTED] and have been since 1984.
3. My family and I have worked the land at Tyle Gwyn from the time I took up the tenancy up to the present day.
4. Since 1984 the only person I have seen, and know of as having walked on or across the land at Tyle Gwyn Farm is an individual known to me as Derek Oliver. He has permission to shoot vermin on the land which helps to keep vermin under control to assist with the overall management of the farm.
5. I have never, throughout this entire period, seen any other person walking on a footpath, or otherwise, on or across the land at Tyle Gwyn Farm at any time.

AND I MAKE THIS SOLEMN DECLARATION conscientiously believing the same to be true and by virtue of the Statutory Declarations Act 1835

DECLARED at Usk in the
County of Monmouthshire
this 17th day of December 2012



Before me



Solicitor / Commissioner for Oaths

Jonathan Stephens & Co Solicitors
Ty Cornel
11 Castle Parade
Usk
Monmouthshire
NP15 1AA

STATUTORY DECLARATION

I, Andrew Edward DOWN of Tyle Gwyn Farm, ~~Princes Risborough, Bucks~~,
~~Caerphilly~~ do solemnly & sincerely declare as follows:

- 1) I make this declaration in support of an application by Mr J. A. Thomas Davies of Culverton Farm, Wycombe Road, Princes Risborough, Buckinghamshire HP27 0EU for the cancellation of the registration of a footpath, number 147 from the registers of Caerphilly County Borough Council. This footpath is shown on the attached plan, highlighted in red, produced to me and marked AED/01 ("the plan").
- 2) At the time of making this declaration I am 49 years of age and I currently live at Tyle Gwyn Farm, where I have lived for over eight years, having moved here in December 2004. I have been in continuous residence at this address since that date.
- 3) I am aware that the claimed footpath 147 runs across farmland and enters onto my neighbours land before crossing onto mine and running along the side of my house and through my garden.
- 4) I am a keen walker & cyclist and spend much of my spare time exploring the land around where I live. I am familiar with the land around where I live, and the footpaths in the surrounding area. I speak with many other local residents, and see other groups of people walking & cycling locally. In the years I have lived here I have never seen anyone crossing the farmland via this route, nor has any person spoken to me asking for access in order to follow such a route.


- 5) I have on occasions met with a 'rights of way officer' for the local authority, and although I realise there is a claim that such a right of way exists, I also clearly remember that this officer was unable to definitely state where the route of this path was, especially with regard to the point at which it exited from my garden onto the track above what is known as Manager's Lane. There are also no signs of the existence, past or present, of any marker post, stile, gate or other access point along this lane into my garden.
- 6) It is therefore my firm belief that the footpath in question has never been used as a footpath by the public in any form.

AND I MAKE THIS SOLEMN DECLARATION, CONSCIENTIOUSLY BELIEVING THE ABOVE TO BE TRUE, AND BY VIRTUE OF THE PROVISIONS OF THE STATUTORY DECLARATIONS ACT 1835.

DECLARED AT: 183 High Street, Blackwood
NP12 1ZF

THIS 1st DAY OF February 2013

BEFORE


DAVID JAMES

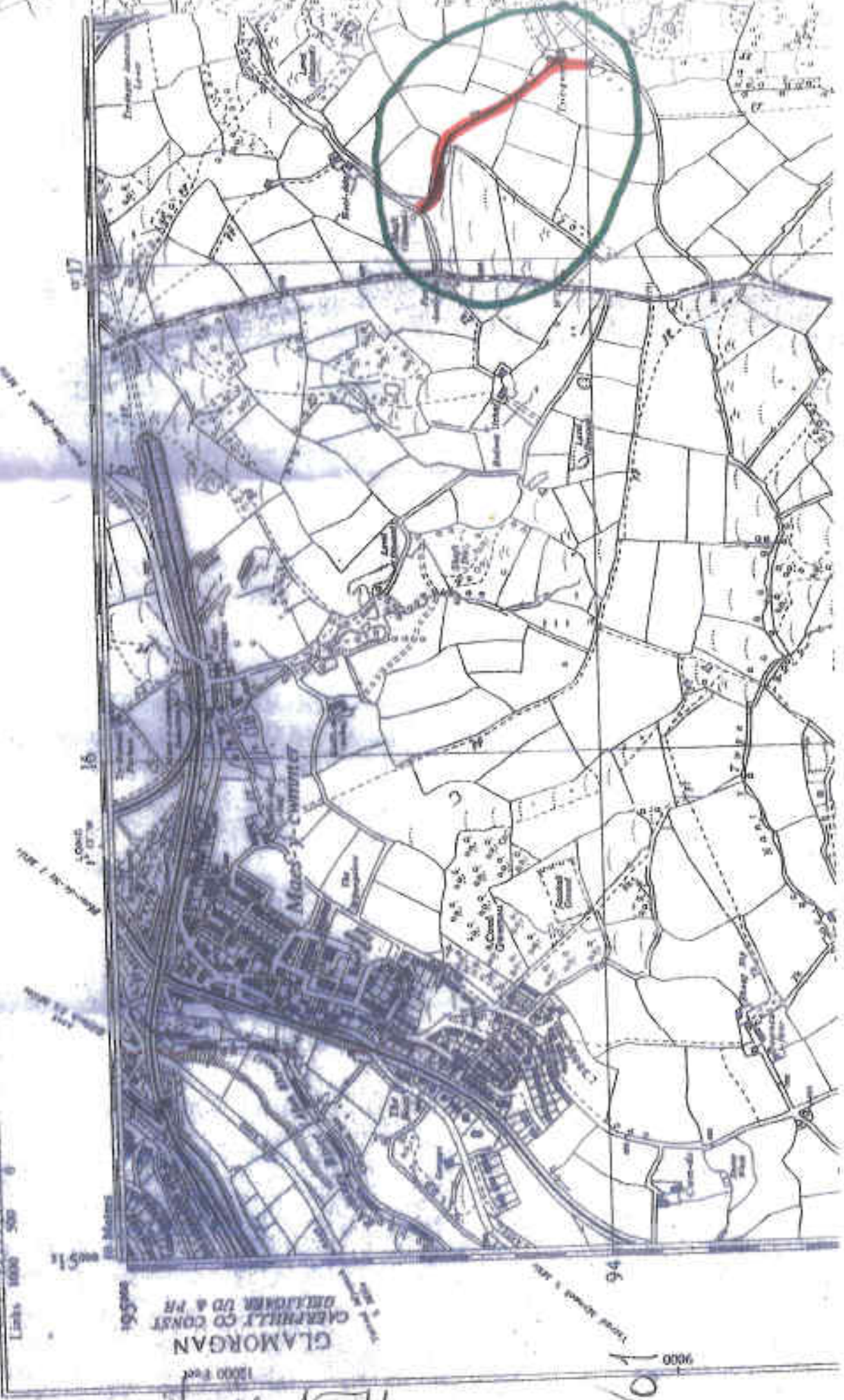


~~Commissioner for Oaths~~ / Solicitor empowered to administer Oaths

UNLINT

Scale 1:10,560 of 1

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CARMICHAEL CO CONST
DIVISION UD & PR

10000

11.11.11

Tyle Gwyn Farm,


18th March 2009.

To whom it may concern,

RE: Footpath 147.

I am Julie Down of the above address. I have lived here for over 4 years, since December 2004.

I am 44 years of age and I am a manager with Caerphilly County Borough Council Children's Services.

I have recently spoken with an officer of Caerphilly County Borough Council with a view to establishing the exact route of footpath no 147 across my property.

I do not believe that such a footpath rightfully exists, despite its registration. There is no evidence of any access having been established, I have never known anyone using it.



Julie Down
18.3.09

Statutory Declaration

In the matter of the footpath 147

I Allan Beddoe of [REDACTED] do solemanly and sincerely declare as follows

1. I make the declaration in support of what I understand to be an application by Mr J A Thomas-Davies of Culverton Farm Wycombe Road Princes Risborough Bucks Hp27 OEU for the cancellation of the Registration of a footpath Numbered 147 in the register of Caerphilly County Borough Council, That footpath is shown coloured.... On the plan now produced and shown to me marked AB1.
2. I was born in 1946 and am now aged 66 years.
3. In 1961 when I was 14 Years old, My father was appointed Under-Manager for Wyllie Colliery.
4. My entire family, including myself moved to 4 Heol-y-coed villas in the year on his appointment
5. Heol-y-Coed is the name of the road on which my house fronts to the rear of my garden is a steep roadway which we have always called "The Back Lane."
6. About 300 yards beyond our garden up the back lane is the gateway of Tyle Gwyn or as we have always spelled it Tyla Gwyn.
7. Between our garden and the Tyle Gwyn gateway I remember an old stile, on the Tyle Gwyn farm Boundary. From the stile there were traces of a track which lead to the farm yard. This is shown coloured,.... on the plan now produced and shown to me marked AB2

8. The house at Tyle Gwyn farm land long before my time has been subdivided. The left hand (uphill) side. The farmhouse was in 1961 occupied by the farmer Mr Mathew Watkins and his family. The right hand side Tyle Gwyn House or simply "Tyle Gwyn" was occupied by the colliery manager

9. As a boy I played with the children who lived there.

10. In 1962 my father was appointed Colliery manager. Consequently we moved to Tyle Gwyn in that year.

11. In 1965 we left Tyle Gwyn and moved into the new Managers House (now called Fernlea, The Avenue Wyllie) which had been built by the National Coal Board

12. In 1970 I married Gwynville Grant (maiden name) she was born in 1946 and had lived in Wyllie all her life. She also spoke of playing throughout her childhood with the children from Tyle Gwyn. She also spoke of the people from the village collecting milk by way of the stile and track mentioned in paragraph above. A copy of statement and signed by her and made in 1999 is annexed and marked AB3.

13. My wife Gwynville sadly died in 2001.

14. I joined the British Transport Police in 1970 and became a dog handler in 1979. I retired from the police force in 1998. Throughout the period of 19 years I kept police dogs at the back of the house in Wyllie, almost every day for this entire period I exercised my dogs up the back lane past Tyle Gwyn.

15. From 1961 until the present time I am able to say categorically that I have never seen or heard of anyone walking a public footpath past Tyle Gwyn or across any or across any part of Tyle Gwyn Farm. I believe that it

Was registered as a public footpath in error. And I make
This solemn Declaration conscientiously believing it to be
the truth and by virtue of the provisions of the Statutory
Declaration act 1835

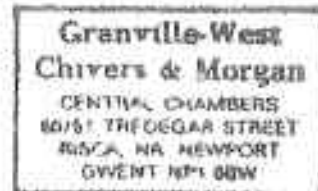
Declared at: *Grenville-West, Chivers & Morgan*

This ^{7th} day of ^{FEB} 2013

Before me.....*S. Maxwell*.....

Commissioner of Oaths/Solicitor

Empowered to Administer Oaths





STATEMENT

I Gwynville Beddoe state the following;

I was born in 1946 and I have lived in the village of Wylie all of my life. During my childhood I visited "Tyla Gwyn House" frequently to play with the children of the colliery managers who lived there. At no time did I have any knowledge of a public footpath which ran alongside "Tyla Gwyn House" and down the main drive. The only path I can recall was one half way up the lane leading to "Tyla Gwyn House". There was a stile placed half way up the lane which led up to the farmyard at the rear of "Tyla Gwyn". I have marked this path on the map I have been shown in green. This path was used by many people in the village to collect milk from the farm. To my knowledge the section of the path marked 147 on the map, belonged to the farm. In this area Mr Watkins used to keep his livestock and I cannot recall seeing any people walking in this area.

G. Beddoe



(Mrs.)

STATUTORY DECLARATION

In the matter of Footpath 147 – Caerphilly County Borough Council

We, **COLIN KEDWARD FLETCHER** (born 21st January 1943) and **CHRISTINE FLETCHER** (born 28th April 1944) both of [REDACTED] Wyllie Village Blackwood in the County Borough of Caerphilly NP12 2HJ Do Solemnly and Sincerely Declare as follows:-

1. We make this declaration in support of what we understand to be an application by Mr J.A. Thomas-Davies for the cancellation of the registration of a footpath numbered 147 in the registers of Caerphilly County Borough Council.
2. We moved to No.22 Tir Bach Road Wyllie Village in early 1967 shortly after we were married and subsequently moved to our present home Fernlea in mid 1981. The position of Fernlea is shown coloured orange on the plan annexed hereto and marked CKF1. The rear of our property abuts the access road to Tyle Gwyn House and Tyla Gwyn Farm.
3. We have regularly walked the various paths and roads around Wyllie Village and in particular have regularly walked the access road to the Tyle Gwyn property. The only times we have entered the Tyle Gwyn Property was if we were visiting people there.
4. It is our considered opinion that there is no public footpath across any part of Tyle Gwyn property; neither the farm nor beside the two houses named Tyle Gwyn House and Tyle Gwyn Farmhouse. The footpath in question is wrongly designated as a public footpath.
5. We have never seen or heard of any persons having walked the alleged footpath as a right of way or have seen any signs or any indication that there was such a right of way and therefore believe that the footpath in question has never at any time since 1967 been used by the public as a footpath in any form.

And we make this solemn declaration conscientiously believing the same to be true and by virtue of the provisions of the Statutory Declarations Act 1935.

Declared by the Said
COLIN KEDWARD FLETCHER
and **CHRISTINE FLETCHER**

At *Blackwood*

This *19th* day of *February* 2013.

Before me *NATHAN FEAR, The Gwyn Gorge Parsonage.*
Solicitor/Commissioner for Oaths



THIS IS
THE PLAN
"C.F.I."

N
North of
Solihull



ORDNANCE SURVEY
Scale 1:10,560 or 6 Inches to 1 Mile

16

17

18

MTINTONSHIRE ED. 3 1911

K. Markov
Tyla Gwyn house
Wynne
Gwyn
NPZ 242

To Whom It May Concern,

I live at Tyla Gwyn House along
with my wife and we have not heard of a footpath through the
property. My wife was born in the area in 1957 and to the best
of her knowledge has never known of a footpath at Tyla Gwyn.
We have spoken to other people who live locally and all have
stated that they cannot ever remember of there being one
yours sincerely

Dear Mr. Reid

Your Ref. R.P./P.P./P.P. 147

Rm

Wagon Boro - Danganmullya Comanche - Public
 Lodge No 147 at Tyle Guya Farm.

I refer to your helpful letter of 4/1/95.

I must apologise for being so slow to
 get together the evidence required to be
 attributed to the presence of the commitments.

I now enclose copies of statements made
 by the following -

(1) Mr. Reginald James Kuff of
 Hooby Doo Farm, Wyllea

(2) Mr. & Mrs. Frank of
 Tyle Guya Farm, Wyllea

(3) Mr. Allan Keenan of
 Hooby Doo Farm, Wyllea

(4) Mr. Guyville Keenan of
 Hooby Doo Farm, Wyllea

(5) Mr. & Mrs. Frank of
 Frank's Farm

ROBERT CHARLES MARSH



19 FEBRUARY 2009

TO WHOM IT MAY CONCERN

I the above lived at Tyla Gwyn for a period of eight years from 1989 until 1997. The house was rented from Mr. J. T. Davies, who was my landlord.

To the best of my knowledge there never was and never has been a footpath or right of way in the vicinity of the dwelling known as Tyla Gwyn. At the time of my stay there, I never saw any person walk or ask if it was a right of way or a footpath. I made many friends in the village and I cannot recall any person ever say to me that there was any sort of passageway and believe that it is private property.

ROBERT CHARLES MARSH



10-3-96.

To WHOM IT MAY CONCERN

I EDGAR HARRIS SYMONS, LATE
OF CRAIG FARM, HYNDDISLWYN.

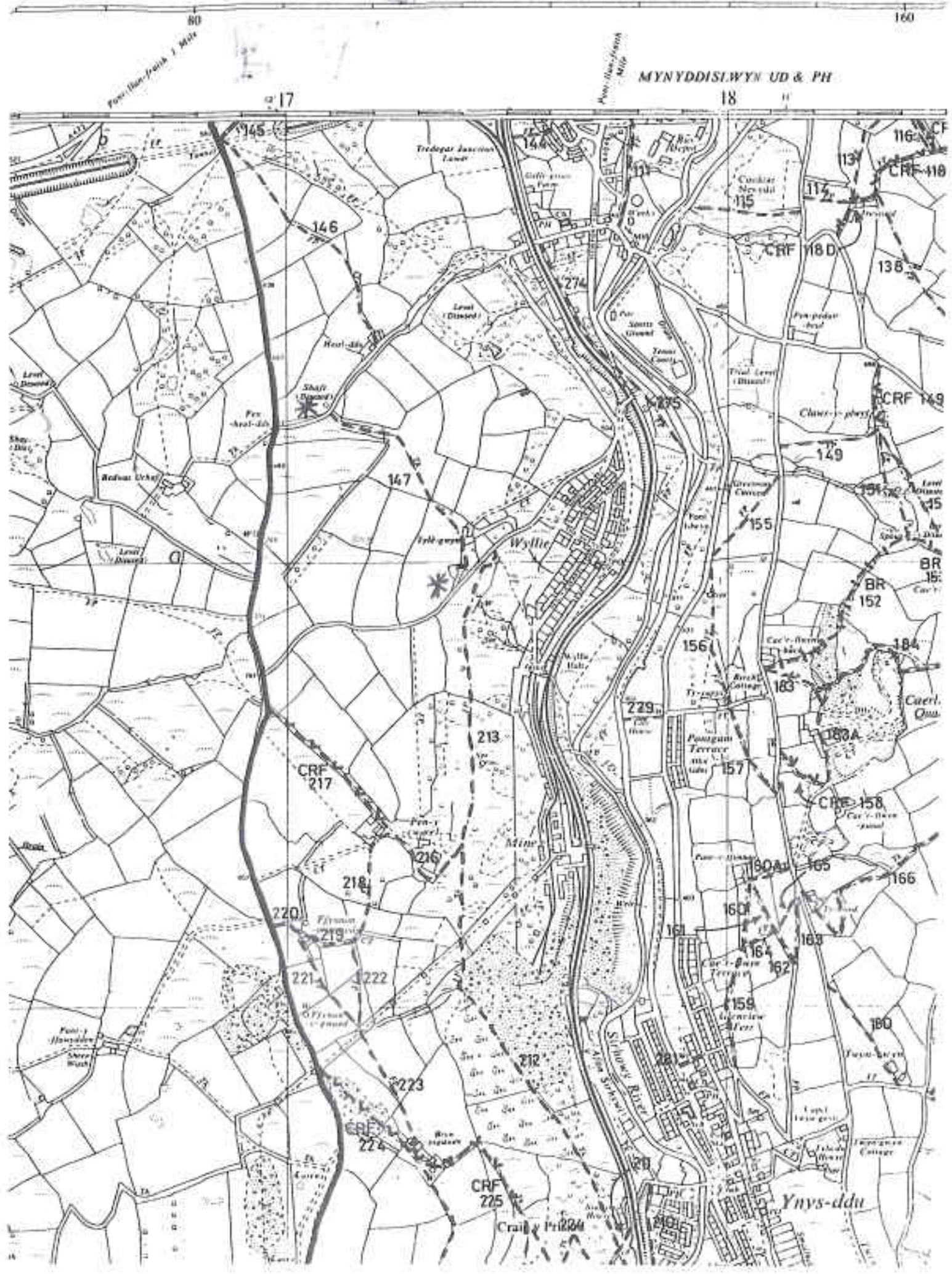
NOW LIVING AT GYFN BRITNDIR FARM
TIRPHIL, NEW TREDEGAR.

I HAVE KNOWN, YGL-Y-GWYN FARM,
THE WYLLIE, FOR AT LEAST, SIXTY YEARS,
AND THERE HAS NEVER BEEN A PATH
OR TRACK, OVER THIS LAND.

I REMAIN

YOURS TRULY.

ORDNANCE SURVEY
Scale 1:10,560 or 6 Inches to 1 Mile



To Whom it may concern

Document

No. 35

1, Carl Tiley of Tyke Goyne House,

aged N/A.

I am a Sales Consultant employed by Mercedes-Benz

I have lived here since December 2003.

During the whole period of my residence I have never been aware of people using or attempting to use the alleged footpath which is said to run across Tyke Goyne Farm.

Signed 

date 2/03/09

To Whom it may Concern

Document

No. 36

I, Jessica Tiley of Tyle Gwyn House,
am aged N/A

I am a Pensions Auditor employed by Xfinity

I have lived at Tyle Gwyn House since
December 2009

During the whole period of my residence I have
never known anyone attempt to walk the alleged
footpath past my house or on the adjacent land.

Signed 

date 2 March 2009.


To Whom it may Concern

Document

No. 37

1. Peter Watkins of
am a Veterinary Surgeon aged (retired) My father
Matthew Watkins took the tenancy of Tyke Gwyn Farm.
by me in 1938. He died in 1983. My mother
left Tyke Gwyn in 1988. I was brought up there.
I left in 1975 (I think) but visited it as often as my
circumstances allowed until 1988.

Throughout the time that my family lived there,
I can testify to the fact that no one walked as if
right across the farm. (without permission)

Signed 
date. 20/3/09

P.S. This route was not
regarded as a through route,
during that time. PH.

[Redacted]

[Redacted]

16/3/96

7
Dear John, With the statement
as promised, I am sending the
original as I don't have access
to a photocopier
Yours sincerely,
[Redacted]

[Redacted]

ALLEGED PUBLIC FOOTPATH AT TYLAGWYN FARM

My parents Mr & Mrs M.C. Watkins rented the above farm from 1939 until 1987. I moved to the farm with the family in 1940, where I spent my boyhood.

Following my father's death in 1983 I managed the farm for my mother until 1987. In my experience, the track shown on the Ordnance Survey map, was never used or regarded as a public footpath.

My father's connection with the farm dates from the early years of this century, when it was rented by his aunt & uncle. At that time the abutters in the main house were members of the Thomas Davies family.

Since that time the main house has been rented, firstly by the Tredegar Iron & Coal Company, & subsequently by the National Coal Board for the use of managers of the Wyllic Colliery. I don't recollect my father mentioning the existence of a public footpath.

M.R.C.U.S.

1. Mrs Jessie Gibbons (née Watkins) of
Massachusetts
am now aged 70.

My parents, Mr & Mrs Watkins moved to
Tyle Gwyn Farm, Wyltie in 1938

We lived in the farmhouse and my father
farmed the land until his death in 1983

I was brought up there and left in 1960

My mother left Tyle Gwyn in 1988.


Throughout the time that my family lived there
I can testify to the fact that there was no
public footpath across the farm.

Signed



date. 10.2.07

Tel. (01443) 812552



17.3.1996

Attn. Mrs Ruth Reid,
Rights of Way Officer,
Gwent County Council,
Planning & Economic Development,
County Hall,
Cwmbran, Gwent NP44 2XF.

Dear Mrs Reid.

Re: Islwyn Borough: Mynydd Islwyn Community: Public Footpath No.147
at Tylagwyn Farm

I am writing to you at the request of Mr J A Thomas-Davies regarding the
above.

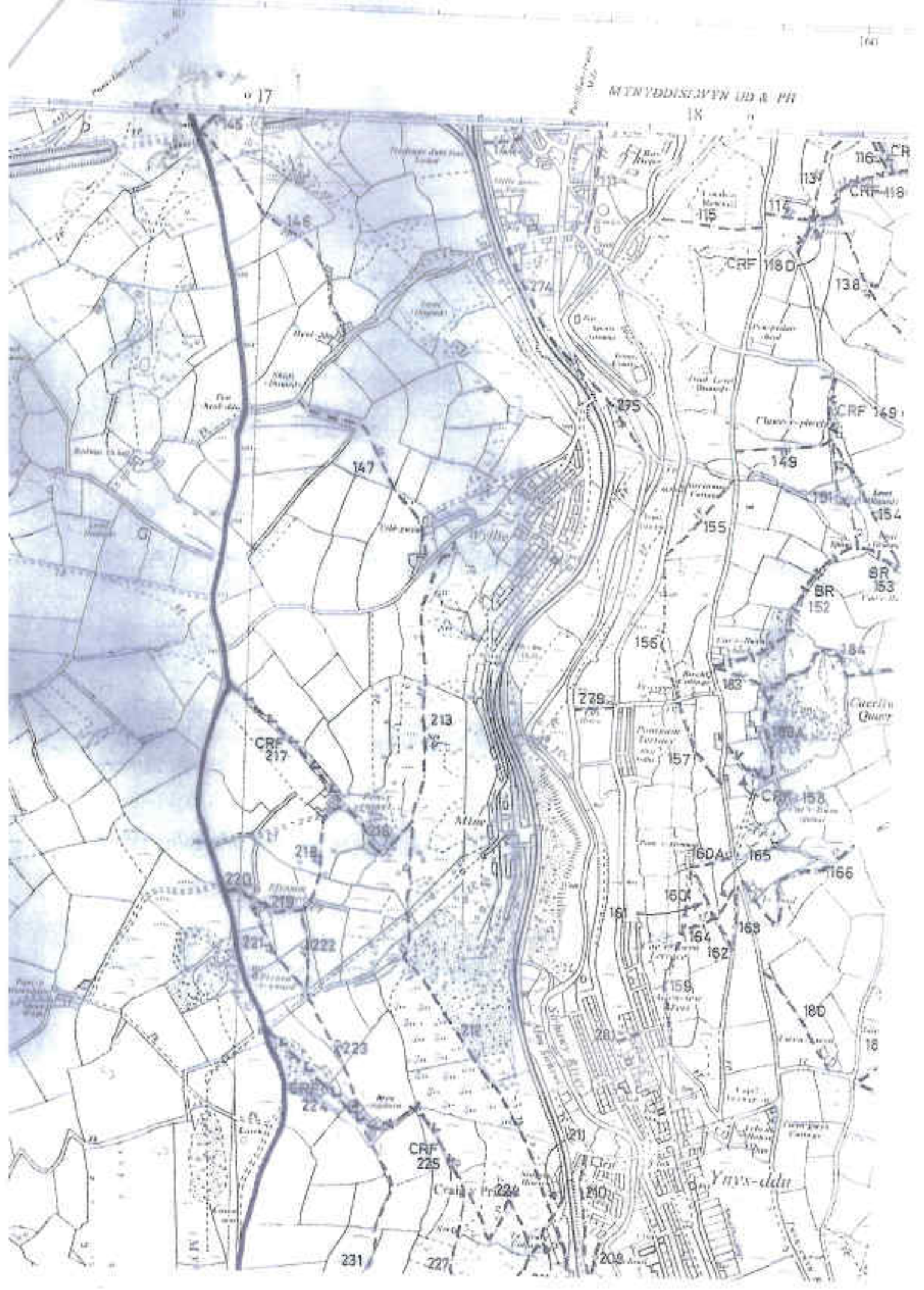
I would confirm that there has never been a right of way through
Tylagwyn Farm from the beginning of the century up until 1986, when my
mother vacated the farm.

If you have any queries please do not hesitate to contact me.

Yours sincerely,



JESSIE ANN GIBBON (NEE WATKINS)



19/1/97



Dear Sir,

Wynnstay Community - Public Footpath N^o 147
at Tyle Gwyn Farm.

I refer to my correspondence with Mrs Ruth Reid of Great C.C. - particularly to her letter of 16/2/96. I enclose a copy of this letter in case returning letters of your predecessor authority presents difficulties.

- I enclose also the following original documents -
1. statement of Mr Peter Walkins M.R.C. Vol. ~~50~~ 51 of 12. Springfield Rd. Daresycoombe, Hengoes
 2. statement of Mrs Jessie Gibbon (nee Walkins) of 5 Cornhill Daresycoombe, Hengoes
 3. statement of Mr S. J. Oliver of 6. The Avenue, Wythe
 4. statement of Mr E. F. Symons of Cefn Brithdir Farm, Tighit, New Tredegar.

You will note that the statements of Mr Walkins & his sister Mrs Gibbon utterly refute what is alleged by the third local resident quoted by Mrs Reid with respect to the ^{apparent} admission by Mr Walkins senior as to the existence of a public footpath.

It should be particularly noted that neither Mr

Peter Watkins nor his sister Mrs Gibbons have any reason to support my contention since it was a great disappointment to them that I would not sell the farm to their widowed mother.

M^r S. D. Oliver is, I would estimate, a man of about 60 years old. He has lived in the Nyngedalwyn area all his life and knows my land intimately. His knowledge of the neighbourhood is unimpaired. Again, I have no business connection with him. His testimony is entirely independent.

M^r Symons is a local farmer, I would estimate his age at about 80. He rents the land from me and is certainly in a position to know whether walkers are using the alleged F.P. 147. He has, as he testifies, known my farm for at least 60 years and has been the tenant since 1986.

I repeat my words in my letter of 28/2/1966 to M^r Reid - 'you mention that 3 local residents claim to have used the 'joke path'. The first 2 claim to have used the 'joke path' over my farm frequently.

I can only say that I find it strange that neither I, nor other closely associated with my land, have ever seen them doing so.

With regard to the 3rd, it is apparent that Duke's story of the late W^m Watkins is utterly contradicted by W^m Watkins' children. I am intrigued by his allegation that members of the Rambles Club have used the 'footpath' for a number of years and I can only say that neither I nor anyone to whom I have spoken has any knowledge of this.

I asked Mrs Reid to give me the names & addresses of the 3 local residents who claim to have used the footpath. She, quite properly, said that she needed the consent of the parties to do so. Since I have not received this information I can only infer that they refused consent. If that is the case I must assume that they know their evidence to be unreliable.

Again, I submit that this track, ^{across my farm} was never a public ~~footpath~~ footpath, should not have been

registered as one and shall now have the
erroneous registration deleted from the statutory
register.

Yours faithfully,



P.S. I enclose a photograph of your footpath
map with an asterisk at either end of the
footpath which I regard as wrongly marked.

To The Footpath Officer.

Cerphilly County Borough Council
Civic Centre, Park Mansions,
Blackwood, Wn.

From: Cllr. Jones, Jan
Sent: 13 March 2013 13:12
To: Piper, June
Cc: Cllr. Durham, Colin
Subject: Footpath 203147

Dear Mrs Piper

I have been contacted by Mr John A Thomas-Davies, who is the Landowner of land around Wyllic. He has told me of his contention that the footpath leading from Tyla Gwyn Farm to Heolddu Lane should not have been added to the Definitive Map as a Right of Way. The map shows the footpath running within the curtilage of the farm garden.

As a resident of Wyllic for over 30 years, I have no knowledge of a right of way leading from the above farm. I also have spoken to other residents of the village and they also were unaware of this. I also took the action of speaking to two former residents of the above farm and the present incumbent and report the outcome of my conversations below.

Alan Beddoes lived in the farm from 1961 - 1963 when his father was Manager of Wyllic Colliery. In all that time he never knew anyone enter the garden claiming to be on a right of way.

Robert and Tracy Williams lived in the farm for 10 years from 1999. In all that time only once did Mr Williams find a person walking in their garden uninvited. The person had a copy of a map and said he was tracking a right of way from Heolddu Lane to the farm. He had no prior knowledge of a footpath and was merely following the map. Mr Williams made him aware that he did not consider it to be a right of way. At no other time during the whole 10 years did anyone attempt to enter their garden to use a footpath.

Julie and Andy Down have lived in the farm for 10 years. They have never had anyone attempt to use a footpath through their garden.

I would like to point out that I have always been very supportive of protecting rights of way. In fact in the past I have been instrumental in gathering evidence to be able to add two other rights of way to the definitive map. However, from my own local knowledge and by speaking to others in the village I feel confident in supporting Mr Thomas-Davies in his efforts to have Footpath 147 deleted from the definitive map.

Regards
Cllr Jan Jones

Mr J A Thomas-Davies
Collins Farm
Lousley Row
AYLESBURY
Bucks
HP27 0PE

If telephoning, the person dealing
with this matter is :

Mrs Ruth Reid

Direct Line Tel: 01633 832661

Date : 14 March 1996

Your Ref :

Our Ref : RR/FP/FP147 (5)

Dear Mr Thomas-Davies

ISLWYN BOROUGH: MYNYDDISLWYN COMMUNITY: PUBLIC FOOTPATH NO 147 AT
TYLA GWYN FARM

Thank you for your letter of 9 March 1996 and for your good wishes.

The address of the new Caerphilly County Borough Council will be Civic Centre, Pontllanfraith,
Blackwood.

The relevant legislation is as follows:-

- a) National Parks & Access to the Countryside Act 1949 - Section 27 - 32. Preparation etc of Definitive Maps ie registration of rights of way.
- b) Wildlife & Countryside Act 1981 - Section 53(3)(c)(iii) provides for the modification of the Definitive Map and Statement where a route has been registered in error.
- c) Highways Act 1980 - Section 118 - Extinguishment of footpaths and bridleways.
- d) Highways Act 1980 - Section 119 - Diversion of footpaths and bridleways.

After 1 April 1996, the person dealing with this case will probably be Mr Adrian Sander. However, if you need further clarification prior to that date, do not hesitate to contact me again.

Yours sincerely

Ruth Reid
Rights of Way Officer

FOOTPATH 147 MYNYDDISLWYN
PHOTOGRAPHS



Entrance Gate at Heolddu Lane



Track from field gate.



First gateway



Track



Second field gate



Fencing obstructing access into Tyle Gwyn Farm



Obstruction preventing access onto Mr. and Mrs Tiley's ground where the right of way crosses and then enters into field through fenceline.



The fenceline next to the tree is where it was proposed to install a stile/kissing gate.



Section through Mr. and Mrs Downs' garden



Location of termination of footpath.

LIST OF CONSULTEES

Mrs Pauline Elliott, Head of Regeneration and Planning
Mr Phil Griffiths, Manager, Countryside and Landscape Services
Mrs Gail Williams, Monitoring Officer/Principal Solicitor

Mr Richard Beaugie, Secretary and Programme Co-ordinator, Islwyn Ramblers, 76 Cefn Road, Rogerstone, NP10 9AS
Gelligaer Ramblers, Mr. Anthony Vallario, 19 Lon Pennant, Blackwood NP12 1EL
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 C. Durham

