

BRECON BEACONS NATIONAL PARK AUTHORITY

Telephone (01874) 624437

Plas y Ffynnon
Cambrian Way
Brecon
Powys LD3 7HP

Dear Member

A meeting of the **ACCESS AND RIGHTS OF WAY COMMITTEE** will be held in **CONFERENCE ROOM 1, PLAS Y FFYNNON, CAMBRIAN WAY, BRECON ON 22nd MARCH 2005 at 11.30 a.m. (or on completion of the site visit, whichever is the earlier)** when your attendance is requested.

Yours sincerely

CHRISTOPHER GLEDHILL
CHIEF EXECUTIVE

Cllr P Ashton
Cllr Mrs M Morris
Cllr J Morris
Cllr K Pathak
Cllr E Williams
Cllr A Baynham (Chairman)
Cllr A Carrington

Cllr M Reece
Cllr P Hopkins
Mrs P Thomas
Mr J Suter
Mr C Young
Mr M Thomas, MBE

Fire Evacuation Advice

***In the event of a fire, please exit the building via the main staircase,
and assemble in the car park at Assembly Point 3***

AGENDA

1.0 MINUTES

To receive the minutes of the meeting held on 9th March 2005 and to authorise the Chairman to sign them as a correct record. (**Annex 1**)

2.0 CORRESPONDENCE

To receive and consider the attached schedule of correspondence and make any recommendations thereon. (Below).

3.0 MEMBERS DECLARATION OF INTEREST

To receive any declarations of interests from members regarding items to be considered on the agenda (***Members' attention is drawn to the Declaration of Interests sheet circulated with the Attendance Sheet at the meeting, and the need to record their interests in writing***).

4.0 PUBLIC SPEAKING

To give opportunity for members of the public to address the Committee in accordance with the Authority's Public Speaking Scheme.

5.0 DECISIONS RELATING TO THE DEFINITIVE MAP : CREATION, DIVERSION AND EXTINGUISHMENT ORDERS – HIGHWAYS ACT 1980

5.1 Application for Diversion of Public Footpath No. 14 in the Community of Llangors (Annex 2) *Eifion Jones*

File reference: PAR804/511/D/14

Applicants: Mr & Mrs Bennett, The Wern, Llanfihangel Talyllyn, Brecon

Location: The Wern, Llanfihangel Talyllyn

Grid Ref: SO115273

Map No: SO12NW

Community: Llangors

Summary of Definitive Route: From a point to the south east of The Wern at a stile and proceeding in a west north westerly direction across enclosure no. 5033 and passing to the north of The Wern and through a stable block and yard. Then across enclosure no. 3532 to a gate leading onto a dismantled railway. Total length approximately 310 metres.

Summary of Proposed Route: From a point to the east south east of The Wern and proceeding in a generally north westerly direction across enclosure no. 5033 and crossing the access road to The Wern. Continuing across enclosure no. 5033 and thence into enclosure no. 4043 and turning to a south west south westerly direction and to a gate leading onto a dismantled railway. Total length approximately 390 metres.

Consultation Responses

Powys County Council (Planning) - “the proposal seems a sensible solution to a long-standing problem”

Powys County Council (Highways) - no objections

Llangors Community Council - “Based on the strength of public feeling, the Llangors Community Council cannot support the proposed move. We understand that local residents feel strongly that they should be allowed to continue walking along the current footpath and do not want to be diverted to a longer route. Mr and Mrs Bennett, the current owners of The Wern, were aware that this footpath existed when they bought the property”.

Llangors Community Council (joint response from two Community Councillors received separately from the above) - “why was the proposal to divert the footpath not included when Mr and Mrs Bennett, The Wern, applied for planning permission from the National Park Authority for the long standing outbuildings? If they did not need planning permission from the National Park Authority to build because it is a so called temporary long standing outbuilding, then why is a temporary building taking precedence over a long standing footpath? – which they knew was there when they bought The Wern Cottage and certainly, before they started to build the outbuildings. We need a strong opinion as to why you should move the footpath, and we would like to know why Mr and Mrs Bennett cannot accept people walking past on a public footpath like everyone else, and why they object to others walking from A to B by the shortest route.”

County Councillor - no objection

Countryside Council for Wales - no reply

Ramblers Association - “no objections in principle to a diversion of this path, but are not happy with the detail of the current proposal...The proposed route is considerably longer than the definitive one, so would not be as convenient to use. We believe that the present waymarked route is the best option, passing between Wern Cottage and the barn obstruction.”

Open Spaces Society - no reply

Byways and Bridleways Trust - no reply

British Horse Society - no reply

Auto Cycle Union - no reply

Statutory Undertakers - no objections

Policy/Legal Considerations: The effect of the proposal in the first instance, is to correct an anomaly on the Definitive Map created by the erection of a building across the line of the footpath shown on the map. In the second instance, it is to improve the security of the buildings at The Wern.

Notice of intention to carry out development for agricultural purposes was submitted on the then National Park Committee on the 24th August 1987. The proposal was approved by letter dated the 27th August 1987. No mention is made in the notice or in the letter of the existence of a public footpath or the effect the development would have upon the footpath. Building commenced as proposed. No record exists of any reports or complaints arising from the consequences of this action.

It is evident, on site, that an alternative route was, probably at some later time, installed and waymarked by National Park staff. This route takes an obvious route between The Wern and its outbuildings and is the route currently in use by members of the public. Clearly, the line of the footpath on the Definitive Map has been unavailable for use since the late 1980s.

Presumably, the consultees are referring to the use of this footpath in their responses and not to the footpath shown on the Definitive Map as they have come to know the footpath in use as the correct route.

In considering an application for a public path diversion order the Authority must be satisfied that:-

- i) it is expedient that the line of the path should be diverted in the interests of the owner, lessee or occupier of land crossed by the path or of the public;

and, before confirming an order as an unopposed order, that:-

- ii) the path will not be substantially less convenient to the public in consequence of the diversion, and;
- iii) it is expedient to confirm the order having regard to the effect which the diversion would have on public enjoyment of the path as a whole.

The benefit of the diversion in providing an unobstructed route for the footpath is clear. In terms of distance the original line of the footpath is approximately 310 metres in length whereas the length of the proposed diversion is approximately 390 metres in length. An additional 80 metres. Looking at the proposal as a whole it is not considered that the diversion would be substantially less convenient than the original, taking into account the nature of the terrain and the slight increase in distance. Neither is there considered to be a negative effect on the public's enjoyment of the path as a whole as the essential character of the footpath and its surroundings will remain largely the same.

Recommendations: That following the site visit prior to this meeting:

- a) the application to divert public footpath no. 14 in the Community of Llangors be approved and that the Chief Executive be instructed to make an order under section 119 of the Highways Act 1980;**
- b) all charges be waived in accordance with paragraph (d) (ii) (correction of definitive map anomalies) of the Authority's policy concerning the recovery of costs for public path and rail crossing orders;**
- c) an order be made subject to the applicant entering into an agreement with the National Park Authority to meet all costs involved in bringing the diversion route of the public footpath into a fit condition for use by the public and that all works are completed to the satisfaction of the Chief Executive;**
- d) if no representations or objections are duly made to the order during the statutory objection period, or if any so made are withdrawn, that the Chief Executive be authorised to confirm the order as an unopposed order.**

6.0 OTHER BUSINESS

Such other business as is, in the opinion of the Chairman, of such urgency as to warrant consideration.

SCHEDULE OF CORRESPONDENCE

1. To receive apologies for absence
2. Such other correspondence as, in the opinion of the Chairman, is of such urgency as to warrant consideration