

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 9TH MARCH 2005 at 11.30 a.m.** 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

1.1 To receive the minutes of the site visit and committee meeting held on 12th November 2004 and to authorise the Chairman to sign them as a correct record. (**Annex 1**)

1.2 To receive the minutes of the following meetings of the Local Access Forums:

- Eastern Area Local Access Forum 29/09/04 (Annex 2)
Richard Ball
- Central Area Local Access Forum 06/10/04 (Annex 3)
Richard Ball
- Western Area Local Access Forum 23/09/04 (Annex 4)
Richard Ball
- Eastern Area Local Access Forum 01/12/04 (Annex 5)
Richard Ball

Recommendation: That the minutes of the Local Access Forums be noted.

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 ACTION POINTS AND RECOMMENDATIONS RELATING TO ACCESS AND RIGHTS OF WAY ARISING FROM THE LOCAL ACCESS FORUMS.

- 4.1 Action Point from unconfirmed minutes of the Central Area Local Access Forum Regarding Llangattock Hillside car park (Annex 6)**
Richard Ball

Background

The Local Access Forums have been involved in identifying suitable access points to access land. The Central Area LAF have identified the Hillside car park at Llangattock (***Annex 6***) as a useful access point for visitors wishing to enjoy access land in this area. However members have become aware of ongoing problems at this car park including car crime and antisocial behaviour. Members visited this site and it was apparent

that the car park was not visible from the road side since it is screened by a bund which has also been planted with trees.

Members were concerned that visitors would be deterred from using this car park for fear of their vehicles being damaged or burgled and that this may lead to parking in other inappropriate locations.

Construction of the bund was a condition of the planning consent for the car park in order to minimise visual impact of the car park.

Cllr Rosemarie Harris (a member of the LAF) stated that she had been asked by the Duke of Beaufort's Commoners Association to convene a meeting to look at several issues in the area, including the bund, and believed that the majority of people would wish to see the bund removed.

Central Area Local Access Forum recommendation and Action Point

At its meeting on 9th February 2005, the Central Area LAF raised the issue of the bund at the Llangattock Hillside car park. The Forum felt that the bund should be removed and that planning permission should be sought by the National Park Authority to enable this to be carried out, and the Secretary was asked to draw the recommendation to the attention of the National Park Authority.

Recommendation: That the Access and Rights of Way Committee notes the advice of the Central Local Access Forum concerning the car park at Llangattock Hillside, and instructs officers to carry out further research in relation to issues on the site.

4.2 Action Point from unconfirmed minutes of the Central Area Local Access Forum Regarding Commitment to implement the Rights Of Way Improvement Plan

Richard Ball

Background

The local access forums are statutory consultees for Rights of Way Improvement Plans (ROWIP). The Brecon Beacons National Park Authority Rights of Way Improvement Plan Officer has already involved all three of the LAFs within the Park in the ROWIP process and will continue to do so.

Highways Authorities have a duty to produce a ROWIP for their area (BBNPA are leading this process in the Park in agreement with the relevant Highways Authorities), however there is not a duty to implement the ROWIP.

Welsh Assembly Government guidance states that a ROWIP should include a 'Statement of Action' which should be a statement of the actions that it is proposed to take for the management of local rights of way, and for securing an improved network of local rights of way with particular regard to the matters dealt with in the assessment part of the ROWIP.

While the suggestion of the Local Access Forum is an eminently sensible one, the outcomes from the ROWIP will need to be discussed with all the constituent highways authorities. In addition, the management of the rights of way network in National Parks is to be reviewed following a recommendation in the Review of Welsh National Park Authorities.

Advice received from the Central Area Local Access Forum regarding commitment to implement the ROWIP.

"The Secretary to communicate the Forum's views to the National Park Authority concerning the need to include a commitment to implement the ROWIPs."

Recommendation: that the Access and Rights of Way Committee notes the views of the Central Local Access Forum regarding the implementation of the Rights of Way Improvement Plan.

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 7) *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:

- a) that 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) that 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) that 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.**

It is considered that Members would benefit from visiting the site before determining the application and it is recommended accordingly.

5.2 Application for Diversion of Public Footpath Nos 270, 292, 297 and 298 and creation of new footpath, Upper Pentwyn, Community of Crucorney Fawr (Annex 8)
Eifion Jones

File reference: PAR804/402/D/270&292&297&298

Members are informed that this Committee considered a report on the 5th March 2003 which detailed an application for a diversion of public footpaths nos. 270, 292, 297 and 298 at Upper Pentwyn, Crucorney Fawr and the creation of a new public footpath at the same location.

The effect of the proposal was to move the footpaths away from the yard area at Upper Pentwyn and create a new public footpath to the south of Upper Pentwyn. It was considered that the proposal would constitute an improvement to the rights of way network and provide footpaths that were more convenient and with superior views of the Honddu Valley, the Sugarloaf, Ysgyryd Fawr and towards Abergavenny. The new footpath would have provided a pleasant walk through a small woodland.

At the time the application was submitted Upper Pentwyn was being renovated. However, since being in residence for a few years the applicants' concerns about the footpaths have not materialised and they are not considered to be a problem.

The applicant has accordingly withdrawn the application.

Recommendations:

- a) That the resolution to approve the diversion of public footpaths nos. 270, 292, 297 and 298 in the Community of Crucorney Fawr made on the 5th March 2003 be rescinded;***
- b) That the resolution to approve the creation of a public footpath at Upper Pentwyn in the Community of Crucorney Fawr made on the 5th March 2003 be rescinded.***

6.0 INFORMATION ITEMS

6.1 Countryside and Rights of Way Act 2000 - Registers of Definitive Map Modification Order Applications; and Highways Act Applications and Declarations (Annex 9 & 10) *Eifion Jones*

Members are informed that since the last meeting of this Committee a consultation document has been received from the Welsh Assembly Government requesting comments on proposal for regulations that set out the contents of three registers that Local Authorities are required to establish under the Countryside and Rights of Way Act 2000.

The consultation paper is shown at ***Annex 9***.

Responses were requested by the 4th January 2005. The Authority's response is shown at ***Annex 10*** completed on a pro-forma supplied by the Welsh Assembly Government.

The response was agreed by the Corporate Management Team and circulated to the Chairman and Deputy Chairman of this Committee for comments before dispatch.

Recommendation: That members note the content of the report.

6.2 Progress Report on Brecon Beacons National Park Authority Rights of Way Improvement Plan ***Judith Jones***

Rights of Way Improvement Plan Update

As agreed, the first consultation document was produced on 17th December 2004 and very widely distributed in hard and electronic form: it was available on request in Welsh and in large print.

Welsh and English posters and a copy of the document were sent to our visitor centres and Brecon Beacons National Park Authority and Welsh Tourist Board information centres, libraries, youth hostels and post offices within the National Park area and to some Doctors' surgeries and the whole document put onto the National Park Authority's website with a link from the home page.

All observations have been acknowledged, although the numbers of responses has been disappointing. All comments have been put onto a database and statistical analysis will be available at the time of this meeting.

Other tasks involved in the Improvement Plan include:

Condition survey

This is being undertaken all over the National Park and a preliminary study of sample communities from the east, central and west areas will be available at the time of the ARoW meeting.

User survey

The aim is to discover the views of as wide a variety of individuals and societies as possible. We will be looking at knowledge of public rights of way, knowledge of the National Park's network of public rights of way and the definitive map and also at views of the condition and suitability of paths and of the whole network. In addition, the surveys and questionnaires encourage comments on possible improvements in the network.

Questionnaires have been sent to individuals and societies, and surveys will be made in towns within and surrounding the National Park.

Lost ways

The National Park Authority anticipates that it will receive a number of claims for rights on lost ways. A section of the final plan will therefore include a procedure for investigating claimed lost ways and processing those found to be valid; a draft of this will be included in the next consultation document. In addition we have created a detailed catalogue of relevant historical documents for use in investigating claims. We have also undertaken a pilot project in a small area in Monmouthshire and the statistical results will be used to estimate possible lost ways figures for the National Park.

Total Access map

The National Park Authority will produce a total access map to be used for consultation, e.g. Local Access Forums, public meetings and for displays at public places such as the National Park's Visitor Centre and at libraries.

Recommendation: That members note the content of the report.

6.3 Completed Orders

Eifion Jones

Members are advised that the following Orders have been completed and that the new routes are now operative:

Monmouthshire

- i) Brecon Beacons National Park Authority (Community of Llantilio Pertholey Paths Nos. 7 and 36 at the West) Public Path Diversion Order 2003.
- ii) Brecon Beacons National Park Authority Footpath No. 9 (part) at Llanelly Hill in the Community of Llanelly Public Path Diversion Order 2004.
- iii) Brecon Beacons National Park Authority Footpath No. 19 (part) at Llanelly Hill in the Community of Llanelly Public Path Extinguishment Order 2004.
- iv) Brecon Beacons National Park Authority Footpath No. 389 at Neuadd Farm in the Community of Crucorney Fawr Public Path Diversion Order 2003.
- v) Brecon Beacons National Park Authority (Community of Crucorney Fawr)(Roads Used as Public Paths (Cartroad Footpaths) Nos. 327

and 335) Definitive Map (Reclassification) Order 2003 – *confirmed by the Welsh Assembly Government.*

Powys

- vi) Brecon Beacons National Park Authority Footpath Nos. 7, 10 and 11 at New Forest Farm in the Community of Llanigon Public Path Diversion Order 2004.
- vii) Brecon Beacons National Park Authority Footpath No. 45 at Whole House in the Town of Talgarth Public Path Diversion Order 2004.
- viii) Brecon Beacons National Park Authority Footpath No. 38 at Cae-Madog in the Community of Llangynidr Public Path Diversion Order 2004.
- ix) Brecon Beacons National Park Authority Footpath No. 36 at Maes-y-beddau in the Community of Llangynidr Public Path Diversion Order 2004.
- x) Brecon Beacons National Park Authority (Footpath No. 7 Community of Gwernyfed and Footpath No. 28 Community of Llanigon at Lower Maestorglwydd) Public Path Diversion Order 2003.
- xi) Brecon Beacons National Park Authority Footpath No. 12 at Foxen in the Community of Maescar Public Path Diversion Order 2004.
- xii) Brecon Beacons National Park Authority Footpath No. 5 (Part), Parc-y-bryn, Bwlch in the Community of Llanfihangel Cwmdu Public Path Diversion Order 2004.
- xiii) Brecon Beacons National Park Authority Footpath No. 26 (Part), Upper Pentrebach in the Community of Llanfihangel Public Path Diversion Order 2004.
- xiv) Brecon Beacons National Park Authority Footpath No. 59 at Llwmws Farm in the Community of Llangattock Public Path Diversion Order 2004.
- xv) Brecon Beacons National Park Authority Path No. 20 (Community of Talgarth at Wernfawr) Public Path Diversion Order 2003 – *confirmed by the Welsh Assembly Government.*

Recommendation: that Members note the content of the report.

7.0 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