

REASONS FOR APPLICATION FOR MODIFICATION ORDER WILDLIFE AND COUNTRYSIDE ACT 1981

1. Please refer to the Schedule of Rights of Way Survey for Llanbrynmair path 6 under the National Parks and Access to the Countryside Act, 1949. This states the survey was undertaken in January 1960.

The situation has not changed since January 1960. The supporting statements accompanying this application indicate that even prior to January 1960, the route was not used by the public within living memory. It should not have been put on the Definitive Map as a bridleway.

2. At the time of making this application, and with the assistance of the Clerk to Llanbrynmair Community Council, we are unable to find any reference in the Minutes of the Council to this bridleway and the statutory Survey, between the years of 1958 and 1970. Neither can we find any mention of discussion having taken place with Mr. Owen, or Mr. Watkins or his representatives, tenant farmers and occupiers of the land in question. We would therefore question if Due Process in accordance with Section 28 of the National Parks and Access to the Countryside Act 1949, had taken place at the time.
3. The bridleway is on land maintained at the expense of the landowners and has only been used by persons closely associated with the occupiers or working on the land in question. I have been unable to find the existence of any user evidence by the public on horseback before 1960 or since; indeed it was incapable of being used along its entire route as a bridleway. I understand the first representation by a member of the public regarding bridleway 6 was received in 2005.
4. The bridleway is of no obvious use to the public as a through-route, leading only to private property.
5. In 1960, there were two stone walls directly in the line of the bridleway, one at the Cwm Pen end of the bridleway, the other adjacent to the Caeagleision barn farmyard. This means it was impossible for the entire route (as shown on the Definitive Map) to be a bridleway or cart track, as described in the January 1960 Survey (or indeed for it to be passable on horseback).

The stone wall at Cwm Pen is still in existence. There is photographic evidence of this stone wall, dating back to the 1930s. There was also a water wheel sitting across the bridleway adjacent to Cwm Pwn side door. Photographic evidence of this exists.

A raised level, four feet high, stone wall at Caeagleision existed until August 1983 when the old barn was demolished, prior to its replacement with Barlings Barn. It was directly in the line of the route as shown on the Definitive Map and it would have been impossible for a horse to get through or over this. Attached is a sketch of Caeagleision farmyard as it existed in 1960, drawn by Aneurin Ashton. This illustrates that it was impossible for path 6 to have followed the route as shown on the Definitive Map and the only way through would have been via a distinctive and obvious "S" bend which a competent surveyor could not have failed to notice. Mr Ashton, along with his uncle Mr. R Ivor Owen, were born in Caeagleision and the family farmed there, before moving to Cwm Fynnon farm (also on bridlepath 6 route) in the mid 1960s. Mr. Ashton and Mr. Owen still farm Cwmfynnon and most of the farmland through which the bridleway passes. No-one has more intimate knowledge of this route and how it was used before and since 1960.

The route of the bridleway as it passes through Caeaugleision farmyard changed three times; first as shown on the draft Definitive Map (1 April 1960 – the “Relevant Date”), then on the Provisional Definitive Map (23 September 1968) and finally on the Definitive Map (10 February 1969). As stated above none of these three routes could possibly have been correct due to the existence of the stone wall and physical constraints of the topography.

6. Point 10 of the 1960 Survey requires the surveyor to “State reasons for believing path to be public, stating number of years; reference to the path in any award). Give reference to any documentary evidence, stating where it may be inspected.” The only evidence given was “Shewn on 1932 maps”. This evidence is minimal, and did not even incorporate the phrase “uninterrupted use”, employed on many similar Surveys at that time. The reason for this is clear.....there was no uninterrupted use by members of the public at the time and there has been none since.
7. An extract from the 1932 map referred to as the only evidence accompanies this application. The original maps are available for inspection at the Council offices at The Gwalia. The symbol “S”, indicating a stile, is clearly marked on the 1932 map between Cwm Ffynnon farm and Ffridd Caeaugleision and is further proof that this was never a bridleway. I have now seen the original 1932 Map notes (attached) which are also very clear in their reference to the stile that existed on the path, known at the time as footpath 10. The map that was used as the official working document for the 1932 Map also clearly marks this stile. The only evidence submitted by the surveyor in 1960 in fact shows this to be a footpath, not a bridleway.
8. As shown on the Definitive Map, Bridleway 6 terminates at its southern end at Footpath 7 (i.e. joining Footpath 7) and there is no legal right for horse riders to proceed either up or down the track leading to Caeaugleision / Barlings Barn. There is no credible evidence that this track – which is not part of the Definitive Map route - was ever a Right of Way or Public Highway.