

Sian Barnes (CSP - Countryside Services)

From: Peter Newman <[REDACTED]>
Sent: 25 September 2018 11:26
To: Sian Barnes (CSP - Countryside Services)
Subject: Re: Consultation on a Definitive Map Modification Order application - Bridleway 6 Llanbrynmair

Dear Sian

Thank you for sending a copy of your very comprehensive report on the Application you have received for the downgrading of this bridleway to footpath status.

I would like to refer to a similar application which was made in respect of BR LB602 Llanbadarn Ffynydd - although in this case the applicant maintained that the route had been put on the map in error and should be deleted in its entirety.

A local Enquiry was held in 2007 in which the applicant was represented by Counsel from London.

The Planning Inspector turned down the Application and his reasons are given in the Report dated 2/8/2007 [copy available from Me if required].

I would just like to quote 2 paragraphs from this but his reasons need to be considered in full: Para 47 " I have seen no evidence to demonstrate that the proper procedures were not followed in connection with the 1949 Act when this bridleway was added to the Definitive Map. Therefore there is an initial presumption that the bridleway exists by virtue of its inclusion on the Definitive Map. In order to remove a right of way from the Definitive it needs to be demonstrated that, on the balance of probabilities, no right of way existed at the relevant date."

Para 5 " in light of the above, I consider there to be a lack of cogent evidence to show that the bridleway was added in error to the Definitive Map and Statement. Having regard to the provisions of the 1981 Act, the judgment in the Trevelyan case and the guidance provided in circulars 45-90 and 5-93, I do not believe that on the balance of probabilities, the bridleway should be deleted from the Definitive Map and Statement."

Claims that the bridleway ceases at the western end [with only a continuation on foot] are absurd. That may be the recorded position but it is clear that the intention was to record the way as joining an unclassified road and even now the records show that the unclassified road reaches as far as the fork about 150 metres to the south.

Witness evidence about what use was made of the way is irrelevant; it is conceded that it is a footpath and the absence of regular use on horseback in the middle of the late C20 is also irrelevant. The question is what is the historic status. No reliable witness testimony can go back that far. [only hearsay].

I would suggest that no case has been made out for downgrading and that the application should be turned down.

Yours Sincerely

Peter Newman
Open Spaces Society Local Correspondent
The Old Vicarage
DOLAU
POWYS LD15TH

On 31/08/2018 16:29, Sian Barnes (CSP - Countryside Services) wrote:

Dear Madam or Sir,

Consultation on a Definitive Map Modification Order application (made under the provisions of Section 53 of the Wildlife & Countryside Act 1981)

Effect of application as made: Downgrade of status of bridleway 6, Llanbrynmair from bridleway to footpath

At: Barlings Barn, Cwm-y-Ffynnon and Cwm Pen Llydan, Llanbrynmair

The County Council is considering an application for a Definitive Map Modification Order, details of which are attached to this email. I would be grateful to receive your comments on the evidence in relation to this application by the end of **Monday 1st October 2018**. If you wish to comment, but are unable to reply by this time, please let me know of your intention to do so.

If you feel that there are documents that need to be considered that are not mentioned in this consultation report, please provide me with a copy of the relevant part(s) of the document, together with the title and date of the document and its source, or where it is held and piece reference, if held by a collection or archive.

Please note that I am on leave from today, returning to work on Monday 17th September so I will answer any emails or letters about this consultation on my return.

Thank you for your time in considering this.

Regards,
Sian

Sian Barnes
Definitive Map and Commons Registration Officer
Gwasanaethau Cefn Gwlad / Countryside Services
Cyngor Sir Powys / Powys County Council
Ffon / Tel: 01597 827595

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Mae'r e bost hwn ac unrhyw atodiad iddo yn gyfrinachol ac fe'i bwriedir ar gyfer y sawl a enwir arno yn unig. Gall gynnwys gwybodaeth freintiedig. Os yw wedi eich cyrraedd trwy gamgymeriad ni ellwch ei gopio, ei ddosbarthu na'i ddangos i unrhyw un arall a dylech gysylltu gyda Cyngor Sir Powys ar unwaith. Mae unrhyw gynnwys nad yw'n ymwneud gyda busnes swyddogol Cyngor Sir Powys yn bersonol i'r awdur ac nid yw'n awdurdodedig gan y Cyngor.

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