

CYNGOR SIR POWYS COUNTY COUNCIL

PLANNING, TAXI LICENSING AND RIGHTS OF WAY COMMITTEE

20th July 2017

REPORT BY: HEAD OF LEISURE AND RECREATION

SUBJECT: Public path Orders – Proposed abandonment

REPORT FOR: DECISION

Public path creation Order, bridleway LG964(A) and public path extinguishment Order, bridleway LG964, community of Llanguillo.

Background:

In 1999, the Council was asked to consider realigning bridleway LG964, which passes through the Griffin Lloyd shooting range. The landowners (Mr and Mrs Lewis) requested the diversion, as a way to remove the likelihood of an accidental injury occurring. The bridleway is in the line of sight of shooting range, which by that time, had been developed close to the bridleway.

In addition, the proposal would also have resolved an anomaly in the recording of the bridleway. The northernmost end is shown as a cul-de-sac 'spur' ending in a field, with no recorded connection with any other public right of way or county road. However, the remainder of the bridleway does serve as a connection between county roads B4356 and U1092. A plan of bridleway LG964 and the wider rights of way network can be found at appendix A.

Consultation:

Consultation was carried out in 1999. Objections were made by the Rambler's Association and the case was presented to the former Rights of Way Committee on 23rd March 2000.

The Committee approved the proposals and two legal Orders were made on 13th December 2000. These were a creation Order, for a new bridleway LG964(A) along the proposed new route and an extinguishment Order, to remove the existing route of bridleway LG964 (see appendices B and C.)

It was not possible to make a single diversion Order under section 119 of the Highways Act 1980 because the northernmost 'spur' end of the path does not meet another public right of way or county road. Concurrent creation and extinguishment Orders were required instead.

Objections:

The Ramblers' Association objected to the Orders. They sent an initial letter dated 8th January 2001, which was within the statutory 28-day deadline, to formally register their objection. They then sent a more detailed letter on 22nd October 2001, which is at appendix D.

That was followed by protracted correspondence to try to find a way forward. New route proposals were put forward in 2007; these were also opposed by the Rambler's Association, so no Orders were made in respect of them.

The case file was reviewed last year. In October 2016, Martin Davies (Enforcement Officer, Countryside Access) visited the site to meet the landowner and assess the current situation. A new trap has been constructed, very close the proposed line of the bridleway as shown in the 2000 creation Order. As such, it is no longer a feasible alternative route for the bridleway.

There is currently no scope to put forward any other alternative route for the path. In view of that, it was concluded that the best way to safeguard the public would be to review and upgrade the safety measures that are in place on the existing line of the bridleway, rather than try to change the path alignment.

The landowners have now installed a wireless warning system. This will alert the operator of the shooting ground that members of the public are present on the bridleway. The operator can then take steps to make sure that shooting does not endanger bridleway users; a risk assessment has been submitted to Countryside Services to describe the control measures that will be used.

The landowners agree to the abandonment of the creation and extinguishment Orders made in 2000. Their email giving written consent is at appendix E.

Options:

Normally, one option would be to submit the opposed Orders to the Planning Inspectorate for determination. However, there are two problems with this.

- First, the Planning Inspectorate is not obliged to confirm both Orders. There is a risk from the landowner's perspective that the new path may be created, but the existing route may not be extinguished.
- Second, the route subject of the creation Order is no longer feasible on the ground, as a new trap has been constructed close to it.

Given that, abandonment seems to be the only option in relation to the creation and extinguishment Orders made in 2000. This would not prevent the landowners from putting forward an alternative diversion route, if the situation changes in future.

RECOMMENDATION:

- 1. That the creation Order for bridleway LG964(A) and extinguishment Order for bridleway LG964 as at appendices B and C be abandoned.**

Appendices:

- Appendix A Plan showing rights of way network around Griffin Lloyd
- Appendix B Creation Order 2000, new bridleway LG964(A)
- Appendix C Extinguishment Order 2000, bridleway LG964
- Appendix D Objection letter from Rambler's Association, 22nd Oct 2001
- Appendix E Email consent from landowners to abandon Orders, 8th March 2017