

CYNGOR SIR POWYS COUNTY COUNCIL

PLANNING, TAXI LICENSING AND RIGHTS OF WAY COMMITTEE

15th March 2018

**REPORT BY: SENIOR MANAGER, COUNTRYSIDE, CONTRACTED
AND CULTURAL SERVICES**

**SUBJECT: Highways Act 1980, section 119
Public path Order proposal**

REPORT FOR: DECISION

Proposal to divert part of restricted byway 145, Melindwr (Community of Llanfihangel.)

Background:

The proposed diversion will make a change to the route of the Glyndŵr's Way National Trail. The public right of way affected is restricted byway 145.

A plan of the proposal can be found at appendix A. The proposal has arisen due to landowner concerns about stock mixing and the physical difficulty of making the definitive line of restricted byway 145 available at point D on the plan. Point D is situated among old trees with deep roots and a stone built bank gives egress to a land drain which runs continually.

There are two landowners involved and they have agreed that the part of the restricted byway labelled A-B-C-D-E on the plan be diverted onto the proposed route A-F-G. This will remove the risk of stock mixing as the new route will be entirely on one land holding instead of two. It will also require only two gates rather than the three needed on the definitive route. No disturbance of tree roots and land drains will be required to install the two gates on the proposed route.

The proposed alternative route runs over the land of County Councillor Emyr Jones who is landowner at Melindwr. This is the reason why the Committee are being consulted upon the proposal.

Current Definitive route:

Points A-B-C-D-E

From point A restricted byway no 145 runs north east for approximately 70 metres over pasture, and some distance from a drainage channel, to point B. From point B it turns in an east north east direction and runs for approximately 35 metres, passing over the drainage channel and through a field gate, to point C.

From point C it turns north east for approximately 85 metres over pasture to a fenced hedge line and a stone built bank that gives egress to a land drain at point D.

From point D it continues in a north east direction for approximately 240 metres, climbing up a pasture field to a field gate leading to a quiet lane at point E.

The total approximate length of the part of the restricted byway to be diverted is 430 metres. The average width of the restricted byway is defined as being 9 feet on the definitive statement.

Proposed alternative route:

Points A-F-G

The proposed diversion runs from point A in a north east direction for approximately 90 metres, over pasture and next to the drainage channel, to point F in a fenced hedge line, where a field gate will be installed.

From point F it continues in a north east direction for 340 metres, over undulating pasture and 3 metres to the west of the existing fence line to a quiet lane at point G, where a field gate will be installed.

The total approximate length of the proposed diversion is 430 metres. The width of the proposed diversion will be 3 metres.

Works required:

Installation of a field gate with a high latch, meeting current British Standard (BS5709:2006) at point F grid reference SJ 0426 1498

Installation of a field gate with a high latch, meeting current British Standard (BS5709:2006) at point G grid reference SJ 0453 1518

Unblocking of a drain at approximately grid reference SJ 0445 1513

The new route would also be waymarked as necessary to ensure that it can easily be followed, if the proposed diversion were to come into operation.

Consultation:

The diversion application has been made by the Glyndŵr's Way National Trail Officer on behalf of the affected landowners; Mr G Thomas of Llwynhir, Llwydiarth and Mr Emyr Jones of Melindwr, Llwydiarth. The diversion is being supported by the National Trail Officer as she believes that the proposed route will be more convenient for the public.

Pre-consultation for the proposal has been sent to:

- Llanfihangel Community Council;
- County Councillor Emyr Jones, as the local member for the ward;
- Path user groups: Ramblers' Association, Open Spaces Society and the Byways and Bridleways Trust;
- Natural Resources Wales;
- Utility Companies.
- The Dyfnant Rainbow Trails.

No objections have been received to the proposal.

Mr Peter Newman of the Open Spaces Society asked for an assurance that the field gates on the proposed route would meet BS5709:2006, including the removal of any adjacent hedges or under/overgrowth within 1 metre of the structures. His email of 22.11.17 and the Glyndŵr's Way National Trail Officer's response can be found at appendix B.

Miss Annette Prince of the Ramblers Association queried whether the field gate at point F will be equestrian friendly and has mentioned that the proposed route will pass over a boggy hollow between points F and G. Her email of 12.01.18 and the Glyndŵr's Way National Trail Officer's response can be found at appendix C.

Normally, if there are no objections to a proposed diversion at the pre-order consultation stage, then the Rights of Way Officer (or their duly authorised representative) has delegated authority to proceed to the making of a public path Order, without the need to refer the application to the Committee. That delegation is recorded in section 13 of the Council's Constitution.

However, this application involves the local member for the area, as one of the affected landowners. In line with the Planning Protocol, this application is being brought before the Committee in the interests of transparency.

RECOMMENDATION:

That an Order be made to divert restricted byway no 145, Melindwr as shown on the plan at appendix A.

Appendices:

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| APPENDIX A | Plan of the proposal for diversion of restricted byway no 145. |
| APPENDIX B | Email dated 22 nd November 2017 from Mr Newman, with Council response. |
| APPENDIX C | Email dated 12 th January 2018 from Miss Prince, with Council response. |