

CYNGOR SIR POWYS COUNTY COUNCIL

PLANNING, TAXI LICENSING AND RIGHTS OF WAY COMMITTEE

24th May 2018

REPORT BY: HEAD OF LEISURE & RECREATION

**SUBJECT: Abandonment of diversion Order and Opposed
diversion & extinguishment Orders: Determination by
Welsh Government**

REPORT FOR: APPROVAL

**Diversion Order 2016 – Part of bridleway GD1457;
Diversion Order 2017- Part of bridleways GD1457 & GD1461;
Extinguishment Order 2017 – Part of Footpath GD1441 at Mill Cottage
and Llan-y-felin, Gladestry (Community of Gladestry.)**

Background:

Bridleway GD1457 passes through the grounds of Mill Cottage and Llan-y-Felin farm, crossing Gladestry Brook. It connects with bridleway GD1461, which ends on Hergest Ridge. Footpath GD1441 also passes through the grounds of Mill Cottage, crossing the brook via a footbridge. The topography of existing Bridleway GD1457 makes it unsuitable for equestrian use, as the definitive line passes down and up very steep slopes.

Following pre-Order consultation, a diversion Order, as at appendix A was made and advertised in 2016 for bridleway GD1457. However, following the advertising of the Order (which was not opposed), the landowners of Mill Cottage and Llan-y-felin put forward alternative proposals. These were considered worth exploring, as there are benefits for the public.

Given that, Countryside Services sought the view of consultees about making and advertising a new diversion Order, to divert Bridleway GD1457 onto a new route and extinguish part of the existing footpath GD1441. These proposals seek to address privacy and security concerns by the Landowner, as well as future maintenance issues in relation to the steep slope and stream crossing.

At the same time as resolving the above issues, it was proposed to divert part of Bridleway GD1461. Whilst this was proposed in the interests of the landowner, it does have public benefits. Part of the existing path ascends a steep, narrow sunken lane, whilst the proposed route makes use of open terrain and takes a more direct route up the hillside than the existing path.

Consultation:

In 2017, a consultation for the revised proposals, as shown on the plan at appendix B, was undertaken. Responses to the proposals were received from:

- The Ramblers' Association, who commented that generally this appeared to be an improved solution to the situation on the ground;
- The Open Spaces Society, who made comments on signposting, clearance of overgrowth and obstructions between points A and B but did not object;
- The Byways and Bridleways Trust who had no comments to make;
- BT Openreach and Dwr Cymru Welsh Water, who have no objection;
- County Councillor E Michael Jones, local member for the area who was happy to support the proposals;
- Gladestry Community Council whose minutes of their meeting dated 13th March 2017 stated there was no objection to the proposed changes; and
- The affected landowners (S R Jones; R S Terry & J M Crawshaw and M R Hughes & C A Hughes) who have given their written consent to the proposals.

As no objections were received, on 26th October 2017, the current diversion Order and extinguishment Order (as at appendix C & D) were made.

Objection:

One objection was received to the current Orders, from Mr Alan Kind. His objection relates to both the diversion Order and the extinguishment Order. In the course of correspondence with the objector, Countryside Services have agreed that if the Committee gives approval, the diversion Order can be submitted to the Welsh Government to request some amendments. The proposed amendments are as follows:

- a) Reduction of the extent of the line of the bridleway GD1457 as drawn on the Order plan by 0.5mm, to ensure it meets the public highway and does not run over it at OS grid reference SO 2410, 5481 (Point J) on the Order plan.
- b) In relation to the new bridge that would be installed, delete the word 'proposed' and insert the wording 'not less than a width of 1.5 metres within the 3 metre width of the highway'. The following sentence found within Part 2 of the Order would then read: 'It then turns to travel in a north-easterly direction along the property boundary for 50 metres before deviating inwardly for 5 metres to traverse Gladestry Brook via a bridge not less than a width of 1.5 metres within the 3 metre width of the highway at OS Grid Reference SO 2406, 5474 (point H)'

The objector has stated in writing that subject to these changes being made, he withdraws his objections. Mr Kind's original letter of objection, Countryside Services' response and Mr Kind's final letter dated 19 December 2017 are at appendices E, F and G.

Works required:

As part of the works to make the proposed new paths ready for use a bridge will be installed at point H. Countryside Services currently has responsibility

for both a stream crossing for bridleway GD1457 and a footbridge on the existing route of footpath GD1441. If these Orders can be confirmed, there would instead be a single bridge serving both the footpath and the bridleway, thus reducing the Council's maintenance responsibilities.

RECOMMENDATIONS:

1) That the file be sent, along with an officer's report in support of the Orders, to the Welsh Government, so that the diversion Order made in 2017 (as at appendix C) may be modified by the Planning Inspectorate on their behalf.

2) That the diversion Order made in 2016 for bridleway GD1457 (part), as shown in appendix A be formally abandoned and not confirmed.

Appendices:

Appendix A: Diversion Order 2016, bridleway GD1457 (pt.)

Appendix B: 2017 Consultation Plan

Appendix C: Diversion Order dated 26th October 2017

Appendix D: Extinguishment Order dated 26th October 2017

Appendix E: Letter from Mr A Kind, dated 17th November 2017

Appendix F: Countryside Services' response letter dated 24th November

Appendix G: Final letter from Mr Kind, dated 19th December 2017