

**From:** [Sian Barnes \(CSP - Countryside Services\)](#)  
**To:** [Newman, Peter](#)  
**Cc:** [Martin Davies \(CSP - Countryside Services\)](#); [Calum Carr \(CSP - Countryside Services\)](#)  
**Subject:** Proposed diversion of footpaths C15 and C18, Welshpool  
**Date:** 19 October 2017 17:55:00  
**Attachments:** [img-823144156-0001.pdf](#)

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Dear Mr Newman,

First, I am writing to formally acknowledge receipt of your attached letter 22nd August 2017. On discussion with our Legal Services department, I realise that you may not have received written acknowledgement until now, so many apologies for that. Further to our conversation about this a few weeks ago, I have now been out on site and would like to respond to the points in your letter.

The planning process takes into account many factors, of which public rights of way is one consideration. In this case, the Planning Officer has acknowledged the existence of the public footpaths at Wernllwyd, but has also noted that there is a separate legal process for seeking to divert them. The detail of the planning process is outside my area of expertise and so it would not be appropriate for me to comment on the legal criteria in relation to that. However, the fact is that planning consent was granted for development affecting the public rights of way. In considering a diversion proposal under those circumstances, we can only consider the merits of the proposed changes to the public rights of way; we cannot reopen the planning process or re-examine the merits of any planning permission given, and neither can a Planning Inspector. The planning and diversion processes are separate legally, each with their own means to appeal.

In this case, the diversion put forward does include a short section of footpath C15, because this is clearly an important connecting route with C18. The reason for proposing to divert part of footpath C15 is to ensure that the road crossing between the two paths is as direct and safe as possible, given that this is a busy trunk road. The Mid Wales Trunk Road Agency has advised that if changes are being made, a staggered crossing is not acceptable from its point of view; we are concerned that leaving the section of footpath C15 from point B to the road would encourage use of a staggered crossing.

We do try to ensure that as well as moving the sections of a path that are directly affected by proposed development, we also look to find the most enjoyable and convenient route possible for the public. Keeping the path close to this development site may be the shortest route, but we are concerned that it would not provide path users with a very enjoyable experience; it would mean taking a route that is close to regular movement of heavy vehicles and machinery and through enclosed areas with intensive farming activity. The proposed route keeps the public away from the busiest and most industrialised areas of the farm by using the adjoining pasture land.

The proposed route of footpath C18 has been drawn onto the Order plan with the centre line being a minimum of 4 metres from the centre of the field boundary. That effectively means that there is a strip of at least a metre wide between the edge of the path and field boundary, even without specifying a width greater than 2 metres for the path itself. We did contact the Canal and River Trust to seek a connection with the towpath in the location that you have suggested, but they have not given consent for that.

Having visited the site, it has become apparent that the developer has, regrettably, already constructed the new building over the line of footpath C18. As such, we will not be able to confirm the diversion Order made under the Town and Country Planning Act 1990. It is clear that the paths cannot remain as they are, so I will need to seek the view of the Planning, Taxi Licensing and Rights of Way Committee about making and advertising a new Order under the Highways Act 1980. That would then allow for the gates to be included in the legal Order.

Regards,  
Sian

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