

CYNGOR SIR POWYS COUNTY COUNCIL

PLANNING, TAXI LICENSING AND RIGHTS OF WAY COMMITTEE
12th November 2020

REPORT BY: Head of Highways, Transport and Recycling

SUBJECT: Proposed new public path Orders for bridleway 75 and footpaths 3, 6, 56 and 71 Ystradgynlais and abandonment of 2008 Orders

REPORT FOR: DECISION

Title: Proposed new public path Orders for bridleway 75, footpaths 3, 6, 56 and 71 Ystradgynlais; abandonment of 2008 public path Orders.

Background:

This report proposes a solution to long-standing problems in relation to public rights of way adjoining the haul road to the former Brynhenllys Opencast Coal site, Ystradgynlais. The site is at OS Grid Reference SN 779,109.

A plan of the proposed changes to the public rights of way network is shown on the plan at appendix A. The overall aims of the package are to:

- Move bridleway 75, onto an alignment that is considered to be more convenient for the public than the existing legal line of the bridleway;
- Move footpath 6, so that it is moved from a crossing point over the Nant Gwrach gorge that is wide, deep and steep-sided to the footbridge that has been in place and in use across the Nant Gwrach for over 20 years;
- Facilitate land management by moving parts of footpath 6 and bridleway 75 onto field edge routes;
- Carry out practical improvement works to ensure that bridleway 75 is on a surface that is better drained and less boggy than the existing route;
- Remove sections of path that are no longer needed for public use as a result of the above proposals, namely footpath 71 and a short spur of footpath 56.

Legal issues:

This site has a complex legal history. Whilst the Brynhenllys Opencast Coal site was operational and for some years afterwards, several public rights of way (including bridleway 75) were suspended under the Opencast Coal Act 1958 and alternative routes were provided. This suspension was lifted in 2014.

When the suspension was lifted, the public rights of way reverted to their legal lines. However, the upper (western) part of the alternative route for bridleway 75 has remained in use with the permission of the landowner, as it is considered to be more convenient and enjoyable for the public than the legal line.

A package of public path Orders (appendices B, C and D) was made in 2008; these were opposed. On review, technical issues were identified that prevented the Council from being able to submit the Orders to the Planning Inspectorate for determination.

Following that, it became apparent that the whole package of changes needed to be reviewed and revised. This has allowed for the diversion of bridleway 75 onto the alternative route to be accommodated into the same package. The technical issues in the 2008 Orders has been addressed and some minor changes are proposed to footpath 3, to align the legal line with the used route on the ground.

Consultation:

Before formal consultation was carried out, detailed discussions were held with the owners of the land concerned and with Ystradgynlais Town Council. There are three separate landowners affected by the proposals. These discussions resulted in the revised proposals shown on the plan at appendix A.

Formal pre-Order consultation was carried out in August 2019 for the revised proposals. Comments were invited from the Town Council, Local Members, path user groups, utility companies, Natural Resources Wales and others. Some questions were asked about the detail of the practical work needed to make the new paths ready for use, but no objections were received.

External grant funding has been secured to carry out the work required to make the new paths ready for use in the 2020-21 financial year. The work includes:

- Improvements to the surface and drainage of the proposed route of bridleway 75, which crosses naturally wet ground;
- Upgrading the path furniture along the proposed routes of footpaths 3 and 6 and bridleway 75, to ensure that gates are in place that are accessible and can be opened and closed easily;
- Remedial work to improve the bridge on footpath 6 and the adjoining steps.

Options:

It is not considered that the 2008 package of Orders could be forwarded to the Planning Inspectorate for determination, due to the technical issues and because the proposals no longer fulfil the aspirations of the landowner or the community. As such, abandonment of these Orders is the only feasible option.

If new public path Orders are not made, footpath 6 would remain crossing the Nant Gwrach at a location where it is not feasible cross the gorge or install a footbridge.

Diverting the paths at a later date would be an option, but there is no certainty that funding will be available for the work needed to make the new paths ready for use. Given this, it is recommended that the proposals at appendix A be pursued now, whilst funding is available.

RECOMMENDATIONS:

1. That new public path Orders be made in respect of the proposals shown on the plan at appendix A.
2. That the 2008 package of diversion and extinguishment Orders (as at appendices B, C and D) be abandoned.

Appendices:

Appendix A – Plan of the revised diversion and extinguishment proposals

Appendix B - Public path extinguishment Order 2008, footpath 56 Ystradgynlais

Appendix C - Public path diversion Order 2008, footpath 6 Ystradgynlais

Appendix D - Public path diversion Order 2008, bridleway 75 Ystradgynlais