

MONMOUTHSHIRE COUNTY COUNCIL

Minutes of the meeting of Licensing and Regulatory Committee held at on Tuesday, 29th January, 2019 at 2.00 pm

PRESENT: County Councillor B. Strong (Chairman)
County Councillor J. Higginson (Vice Chairman)

County Councillors: A. Easson, J.Pratt, D. Evans, A. Webb and
S.B. Jones

OFFICERS IN ATTENDANCE:

Wendy Barnard	Democratic Services Officer
Mandy Mussell	Definitive Map Officer
Claire Williams	Legal Officer
Ruth Rourke	Principal Officer - Countryside Access

APOLOGIES:

There were no apologies for absence.

1. Declarations of interest

No declarations of interest were made.

Four members of the public were present.

2. DEFINITIVE MAP MODIFICATION ORDERS, PRICES BRIDGE, WHITELYE, TRELLECH

We received a report and presentation from the Principal Officer, Countryside Access and Definitive Map Officer in order for Members to consider, under Section 53 of the Wildlife and Countryside Act 1981 whether or not to add the alleged restricted byways to the Definitive Map & Statement for Monmouthshire for the Routes, A-B-C-C1, to classify them as bridleways, numbers 503, 504 and 505 Trellech (382) and for the Routes, B-E-F, C-E and C1-D, to classify them as bridleways, numbers 501A, 501 and 501B, Trellech (382) and 506 Tintern (381). The routes to be added are shown on the draft consultation map (Appendix 1), in the community of Trellech, Whitelye.

Following the presentation, Members were invited to discuss and comment, during which time the following points were noted:

Members commended officers on an excellent, clear and detailed presentation which had provided them with sufficient detail to reach their conclusions.

It was confirmed that the claim was for restricted byways which would allow for horse drawn vehicles. However, the usage of horse drawn vehicles was rare as only 3 people report seeing horse drawn vehicles. For this reason the Routes are to be registered as bridleways. In this case the Natural Environment and Rural Communities Act 2006 does not apply and has stopped the recording of any public vehicular rights.

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It was confirmed that in the User Evidence there were comments about seeing forestry workers during their use of the path.

In response to a question, it was surmised that the area is ancient woodland since 1881.

It was acknowledged that Mrs. Greatorex-Davies was acting on behalf of Tintern Community Council.

The Principal Officer read out an email received from the register owners before the meeting. This stated that they had Absolute Title to the parcel of land since they purchased Moor Farm in September 1988. That they never dedicated any Open Access over their land. A map was shown to Members on which The Talbots showed the existing permissive footpath and other highways. The Talbots believe that the tracks are not ancient rights of way as described in the report but believe they were access to a derelict cottage and outbuildings which they say are still evident on their parcel of land 8968. Additionally they stated "the large boulders and trees mentioned in the evidence reports, as placed across private tracks on our land, (Boulders placed at points B & A felled tree at F) were first placed by us in 1990 after discussion with the Forestry Commission. The boulders, although moved, are still present and visible."

In response to a question it was confirmed that Users did not report any obstacles that they felt impeded their access, or made them think they had no right to be on the paths until 2013 when larger boulders and obstructions were installed and the routes became blocked and remain so.

A member asked if the path was of good standard. It was confirmed that it was open and clear; an easy to follow route before 2013.

A Footpath was established in late 19th Century. It was speculated that a recording error had occurred as Tintern and Trellech surveyors had recorded the routes differently.

The Committee withdrew with the Legal Assistant and Democratic Services Officer to consider the recommendations and returned to announce its decision.

It was explained that the legal framework was outlined in the report with an explanation of how the rights of way had been established. The Chair advised Members that the recommendation in the report stated that:

1. Members are invited to consider evidence provided and to advise the Cabinet Member for Operations Management whether they agree that rights of way that are not shown on the Definitive Map and Statement subsists, or is reasonably alleged to subsist, over the Routes and that the status of those ways are not restricted byways but instead bridleways.
2. If this is agreed then to advise the Cabinet Member for Operation Management to make two Definitive Map Modification Orders as detailed. Order One: Under section 53(2)(b), subsection (3)(c)(i) of the Wildlife and Countryside Act 1981 for the Routes, A-B-C-C1, to classify them as bridleways, numbers 503, 504 and 505 Trellech (382). Order Two: Under section 53(2)(b), subsection (3)(c)(i) of the Wildlife and Countryside Act 1981 for the Routes, B-E-F, C-E and C1-D, to classify them as bridleways, numbers 501A, 501 and 501B, Trellech (382) and 506 Tintern (381).

Upon taking into account the evidence presented, Members unanimously agreed to approve the recommendations.

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The meeting ended at 3.40 pm