

**01\_13MOD\_PB: Location plan  
Appendix 1.1**

**TINTERN COMMUNITY COUNCIL**

6<sup>th</sup> August 2014

Mandy Mussell  
Public Rights of Way Officer  
Monmouthshire County Council  
P. O Box 106  
Caldicot, NP26 9AN

12 AUG 2014

Dear Mandy,

**Claim for a Public Right of Way – Pryce's Bridge to The Oaks**

Thank you for your letter dated 22<sup>nd</sup> May 2014 and for your helpful advice. However, we are, for the following reasons, surprised by your assertion that the claim is weak:-

1. The path in question is shown on maps going back to the 1800s. This indicates that there must have been at least pedestrian traffic along this route for a long time. Moreover, the oldest inhabitants of the village and surroundings attest to continuous and unhindered movement along this path for many years until recently blocked by the landowner. I have been speaking to a Mr. Colin Crockett (who now lives in Gloucester) who was born at Moor Farm 74 years ago and lived there until his early 20's. He said he always assumed the path in question was a public right of way as he used it regularly while he lived there. I have given him a form to fill in but he has not yet returned it to me.
2. The path connects three recorded rights of way which are unconnected without use of the two paths in question. Common sense suggests that anyone who has used the three recorded rights of way must have used the paths in question. Until recently, waypost signs existed and had been renewed in the last 10 years, on the edge of the owners land, indicating routes along the disputed paths. Whoever was responsible for these signs, MCC or the Forestry Commission, also obviously believed these were routes in public use.
3. We believe it is the policy of the Government and MCC to maintain public access wherever possible, and certainly where long established, and should make a presumption under the law of the public's right for continued access. Although, as you point out at para 2.6, policy has no bearing on the success or failure of the claim, we would expect MCC to pursue this

vigorously using the relevant law. We are not aware that the landowner has given any good reason for blocking this path.

You requested further specific evidence and we provide it as follows:

Para 1.5 – We would like Route B (C to D) to be added to the claim as this is clearly the natural line of the currently accepted right of way from the East to connect with Route A and has been mentioned because it was in daily use. Indeed, there was a sign at the point it meets Route A (Point C) pointing to “Barbadoes Green”, again indicating a path accepted by the authorities. Also, this section is marked in red on the Ordnance Survey map indicating that they thought this was a path with public access.

Para 3.8 – We attach Mr Griffin’s marked up plan as requested and further comments from him.

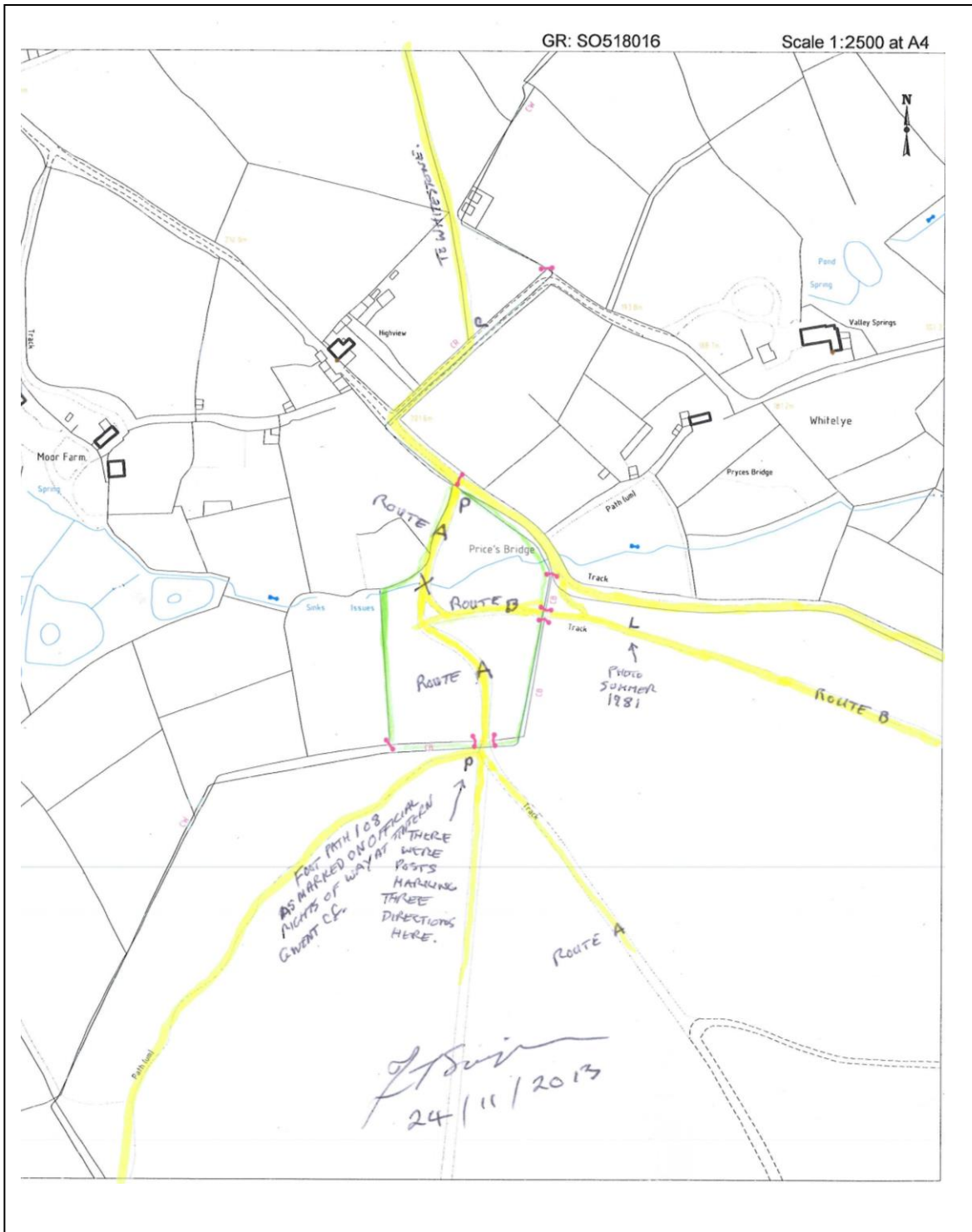
Paras 3.20 and 3.21 – You should note that users of Route B (C-D) (4 users evidence) must also have used Route A (A-B) for access or egress unless they returned and retraced their steps having reached Route A. This is clearly illogical, so use of Route B implies use of Route A. Therefore, Route A has in effect 2 plus 4 users giving evidence.

As further evidence that blockages were not intended to prevent access Mr Griffin is prepared to report that fallen trees across the path have, in the past, been quickly removed to unblock the path.

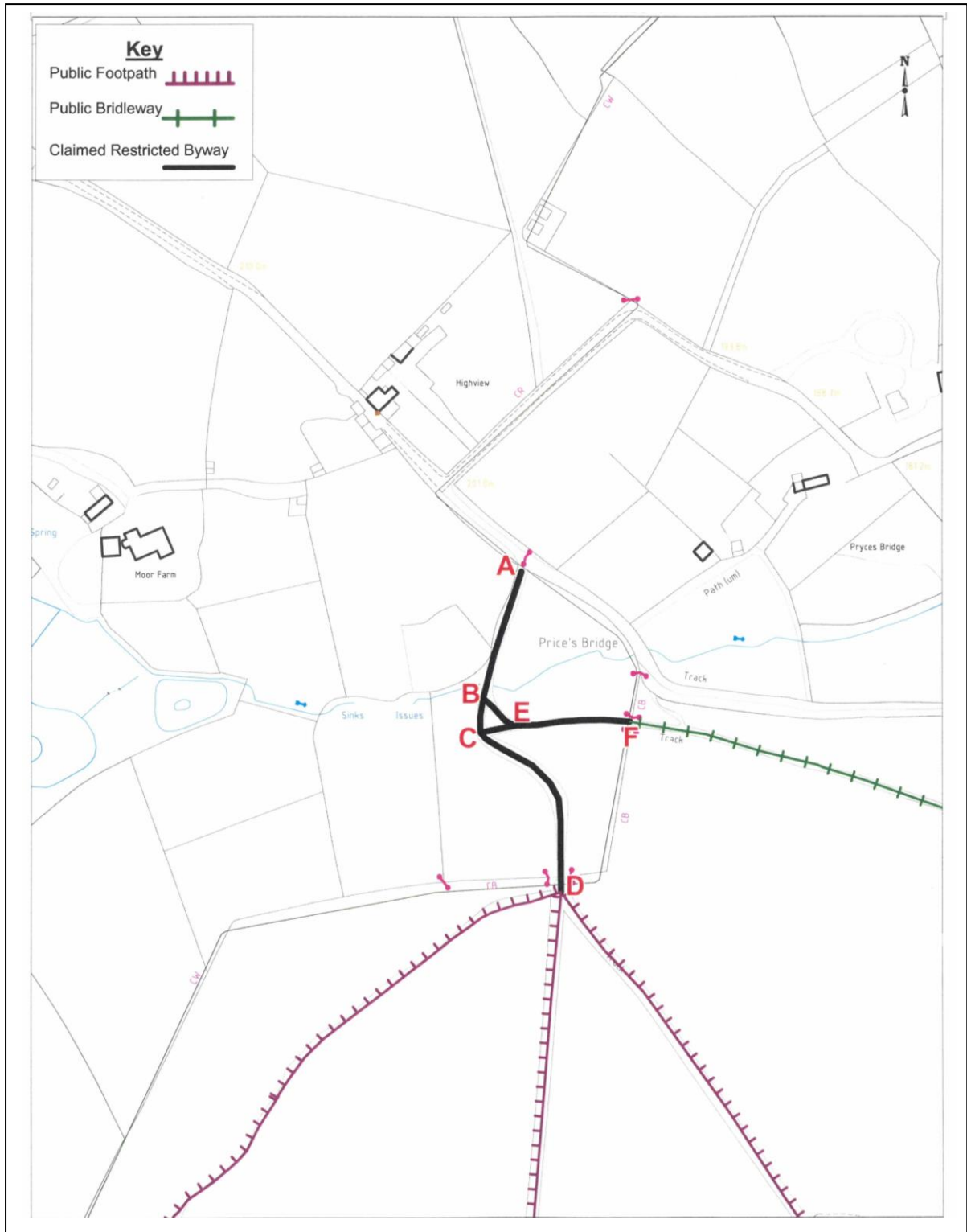
Also enclosed is a further evidence form filled in by Mr. D Hoskins. I hope the enclosed letter is of further help to you.

Yours sincerely,

Elizabeth Greatorex-Davies (Clerk to TCC)



**01\_13MOD\_PB: Mrs Greatorax-Davies: - Evidence Map  
Appendix 1.4**



**01\_13MOD\_PB: Draft and Consultation Map  
Appendix 1.5**

WILDLIFE & COUNTRYSIDE ACT 1981  
APPLICATION FOR MODIFICATION ORDER

CERTIFICATE (i)

*Monmouthshire County Council Definitive Map and Statement*

To: Monmouthshire County Council

of: County Hall, Cwmbran.

We TINTERN COMMUNITY COUNCIL  
of THE POPLARS, WHITELEY, CATBROOK,  
CHEPSTOW, MONMOUTHSHIRE, NP16 6NP

hereby apply for an order under Section 53(2) of the Wildlife & countryside Act 1981  
modifying the definitive map and statement for the area by:-  
(\*delete as appropriate)

\*Adding/ ~~\*removing the \*footpath / \*bridleway / \*byway open to all traffic/~~ \*restricted  
byway.

from CS1-4

to footpaths 381, 122, 111 & 14

and as shown on the map annexed hereto.

We attach copies of the following documentary evidence (including statements of  
witnesses) in support of this application (please list documents below):

Public Rights of Way Evidence Forms  
Copy of 1821 Enclosure Awards Map  
Copy of 1881 Edition of OS map

Dated: 11 / 12 / 2013

Signed: Elizabeth Gantrex-Jones  
*Clerk to Tintern Community Council*

Please return to: Definitive Map Officer  
Countryside Services  
Planning Department  
Monmouthshire County Council  
County Hall  
PO Box 106  
Calidcot  
NP26 9AN

WILDLIFE & COUNTRYSIDE ACT 1981  
CERTIFICATE OF SERVICE OF NOTICE OF APPLICATION  
FOR MODIFICATION ORDER

CERTIFICATE (ii)

*Monmouthshire County Council Definitive Map and Statement*

To: Monmouthshire County Council

of: County Hall, Cwmbran.

I/We CLERK TO TINTERN COMMUNITY COUNCIL

of THE POPLARS, WHITELEY, CATBROOK,

CHEPSTON, NP16 6NP

hereby certify that the requirements of paragraph 2 of schedule 14 to the Wildlife & Country side Act 1981 have been complied with.

Dated: 11 / 12 / 2013

Signed: Elizabeth Greaves-Jones  
on behalf of Tintern Community Council

Notices served on the following persons/bodies:-

1. MR & MRS R. TALBOT, MOOR FARM, WHITELEY, NP16 6NP
2. ....
3. ....
4. ....
5. ....
6. ....

Please return to: Definitive Map Officer  
Countryside Services  
Planning Department  
Monmouthshire County Council  
County Hall  
PO Box 106  
Calidcot  
NP26 9AN

COPY



WILDLIFE & COUNTRYSIDE ACT 1981  
NOTICE FOR MODIFICATION ORDER

CERTIFICATE (iii)

Monmouthshire County Council Definitive Map and Statement

To: MR. & MRS. R. TALBOT  
of: MOOR FARM, WHITELEY, CATBROOK,  
CHEPSTOW, MONMOUTHSHIRE, NP16 6UP

Notice is hereby given on the 12 / 12 / 2013 (date)

We TINTERN COMMUNITY COUNCIL  
c/of THE POPLARS, WHITELEY, CATBROOK

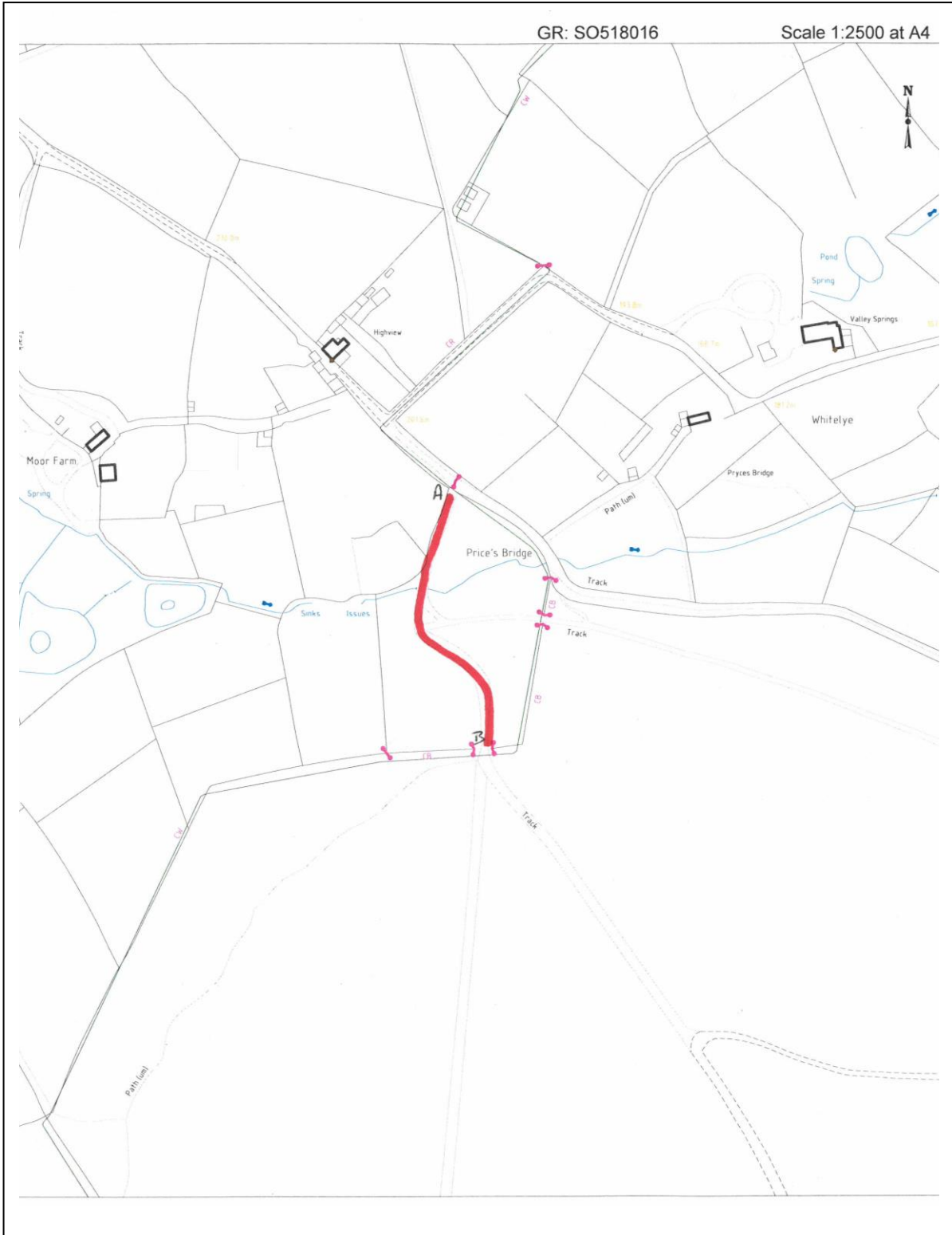
Made application to Monmouthshire County Council, County Hall, Cwmbran, that the definitive map and statement for the area be modified by:-

(\*delete as appropriate)  
\*Adding/ ~~removing the~~ \*footpath / \*bridleway / ~~byway open to all traffic~~ / \*restricted byway

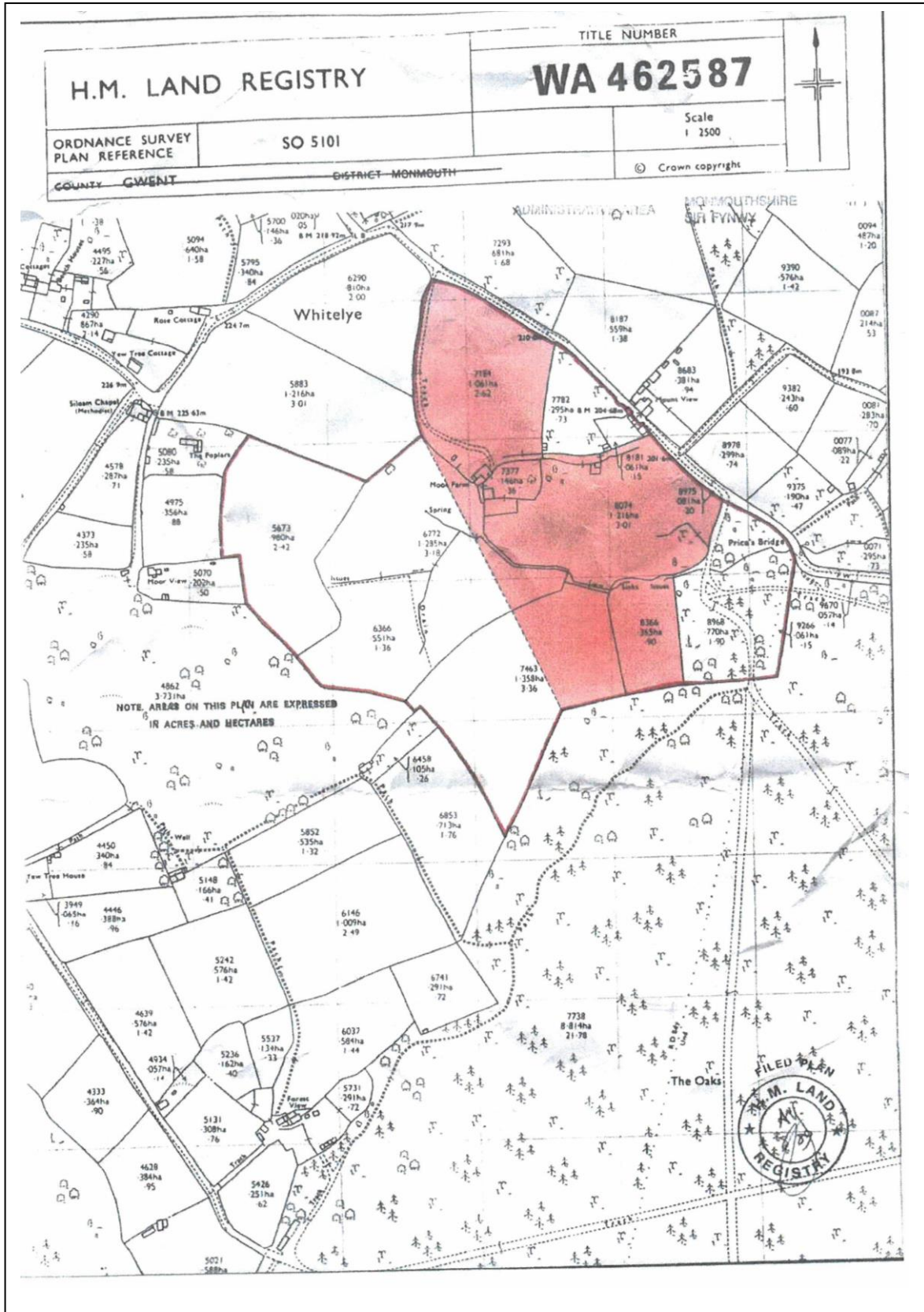
From C51-4  
to Footpaths 381/122, 381/111 & 381/14

Dated: 11 / 12 / 2013 Signed: [Signature]





**01\_13MOD\_PB: Definitive Map Modification Order Application Map**  
**11<sup>th</sup> December 2013**  
**Appendix 3.4**



**01\_13MOD\_PB: Land registry: 25 June 2015: WA462587 Title deed plan Appendix 4.1**

The electronic official copy of the register follows this message.

Maer copi swyddogol electronig or gofrestr yn dilyn y neges hon.

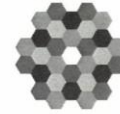
Please note that this is the only official copy we will issue. We will not issue a paper official copy.

Sylwch mai hwn ywr unig gopi swyddogol a ddarparwn. Ni fyddwn yn darparu copi swyddogol papur.

Applications are pending in HM Land Registry, which have not been completed against this title.

Mae ceisiadaun aros iw prosesu yng Nghofrestrfa Tir EM nad ydynt wedi eu cwblhau yn erbyn y teitl hwn.

HM Land Registry Cofrestrfa Tir EM



Official copy  
of register of  
title  
Copi  
swyddogol o  
gofrestr teitl

Title number / Rhif teitl  
WA462587

Edition date / Dyddiad yr  
argraffiad 19.03.2015

This official copy shows the entries on the register of title on 25 JUN 2015 at 13:37:40.

This date must be quoted as the "search from date" in any official search application based on this copy.

The date at the beginning of an entry is the date on which the entry was made in the register.

Issued on 12 Jul 2018.

Under s.67 of the Land Registration Act 2002, this copy is admissible in evidence to the same extent as the original.

This title is dealt with by HM Land Registry, Wales Office.

Mae'r copi swyddogol hwn yn dangos y cofnodion yn y gofrestr teitl ar 25 MEHEFIN 2015 am 13:37:40.

Rhaid dyfynnu'r dyddiad hwn fel y "dyddiad y chwilir ohono" mewn unrhyw gais am chwiliad swyddogol sy'n seiliedig ar y copi hwn.

Y dyddiad ar ddechrau cofnod yw'r dyddiad y gwnaethpwyd y cofnod yn y gofrestr.

Cyhoeddwyd ar 12 Gorffennaf 2018.

Dan adran 67 Deddf Cofrestru Tir 2002, mae'r copi hwn yn dderbyniol fel tystiolaeth i'r un graddau'r gwreiddiol.

Gweinyddir y teitl hwn gan Gofrestrfa Tir EM Swyddfa Cymru.

## A: Property Register / Cofrestr Eiddo

This register describes the land and estate comprised in the title.

Mae'r gofrestr hon yn disgrifio'r tir a'r ystad a gynhwysir yn y teitl.

MONMOUTHSHIRE/SIR FYNWY

- 1 (02.02.1989) The Freehold land shown edged with red on the plan of the above Title filed at the Registry and being Moor Farm, Whitelye, Trelleck.
- 2 (02.02.1989) There are excluded from the land tinted pink on the filed plan the mines and minerals excepted by the Conveyance dated 4 December 1934 referred to in the Charges Register:-  
  
"Except the mines minerals stone and other substrata within under and upon the land coloured blue on the said plan which belong to the Crown ..... subject to the right of the Crown to search for work dress use raise and carry away the mines mineral stone and other substrata under the said lands coloured blue on the said plan making reasonable compensation for any injury to the surface of the said lands and to any buildings thereon by the exercise of such right."  
  
NOTE: The land coloured blue is tinted pink on the filed plan.
- 3 (02.02.1989) By a Transfer dated 7 November 1988 made between (1) Catherine Brown and (2) Robin James Talbot and Gillian Talbot the land

1 of 2 / 1 o 2

Title number / Rhif teitl WA462587

### A: Property Register continued / Parhad or gofrestr eiddo

in this title was transferred subject as follows:-

"Subject further to the rights of the Coal Commission to the mines and minerals (if any) in and under all the said land."

### B: Proprietorship Register / Cofrestr Perchnogaeth

This register specifies the class of title and identifies the owner. It contains any entries that affect the right of disposal.

Mae'r gofrestr hon yn nodi'r math o deitl ac yn enwi'r perchennog. Mae'n cynnwys unrhyw gofnodion sy'n effeithio ar yr hawl i waredu.

#### Title absolute/Teitl llwyr

1 (02.02.1989) PROPRIETOR: ROBIN JAMES TALBOT and GILLIAN TALBOT of Whitelye Farm, Trelleck, Gwent.

### C: Charges Register / Cofrestr Arwystlon

This register contains any charges and other matters that affect the land.

Mae'r gofrestr hon yn cynnwys unrhyw arwystlon a materion eraill sy'n effeithio ar y tir.

1 (02.02.1989) By a Conveyance dated 4 December 1934 made between (1) Fanny Richards (Vendor) and (2) William John Williams (Purchaser) the land in this title was conveyed subject as follows:-

"Subject also to the right of the Crown to hunt shoot course and sport of the said lands coloured blue on the said plan."

NOTE: The land coloured blue is tinted pink on the filed plan.

### End of register / Diwedd y gofrestr



**DEPOSIT OF STATEMENT AND PLAN**  
**SECTION 31 (6) OF THE HIGHWAYS ACT 1980**

**To: Monmouthshire County Council**  
**County Hall**  
**Cwmbran**  
**Gwent**

NP6 3AZ

Ffôn/Tel: 01633 400205  
Ffacs/Fax: 01633 400135

Rheolwr Rhanbarthol Coedwigo  
Forest District Manager  
**Paul Sherrington**

1. The Forestry Commission acquired the land shown on the attached maps outlined in black between 1924-1974.

The land so delineated is currently in the ownership of the Forestry Commission.


2. No additional ROW are dedicated on Forestry Commission land other than those ROW marked as follows:

Brown - which have been dedicated as highways with vehicular status;  
Green - which have been dedicated as bridleways;  
Purple - which have been dedicated as footpaths.

3. Following your agreement with the accompanying ROW's, it is the intention of S E Wales Forest District to submit a statutory declaration to Monmouthshire County Council within a six year period from whence the accompanying maps were submitted.

4. This deposit shall comprise this statement and 14 accompanying maps.

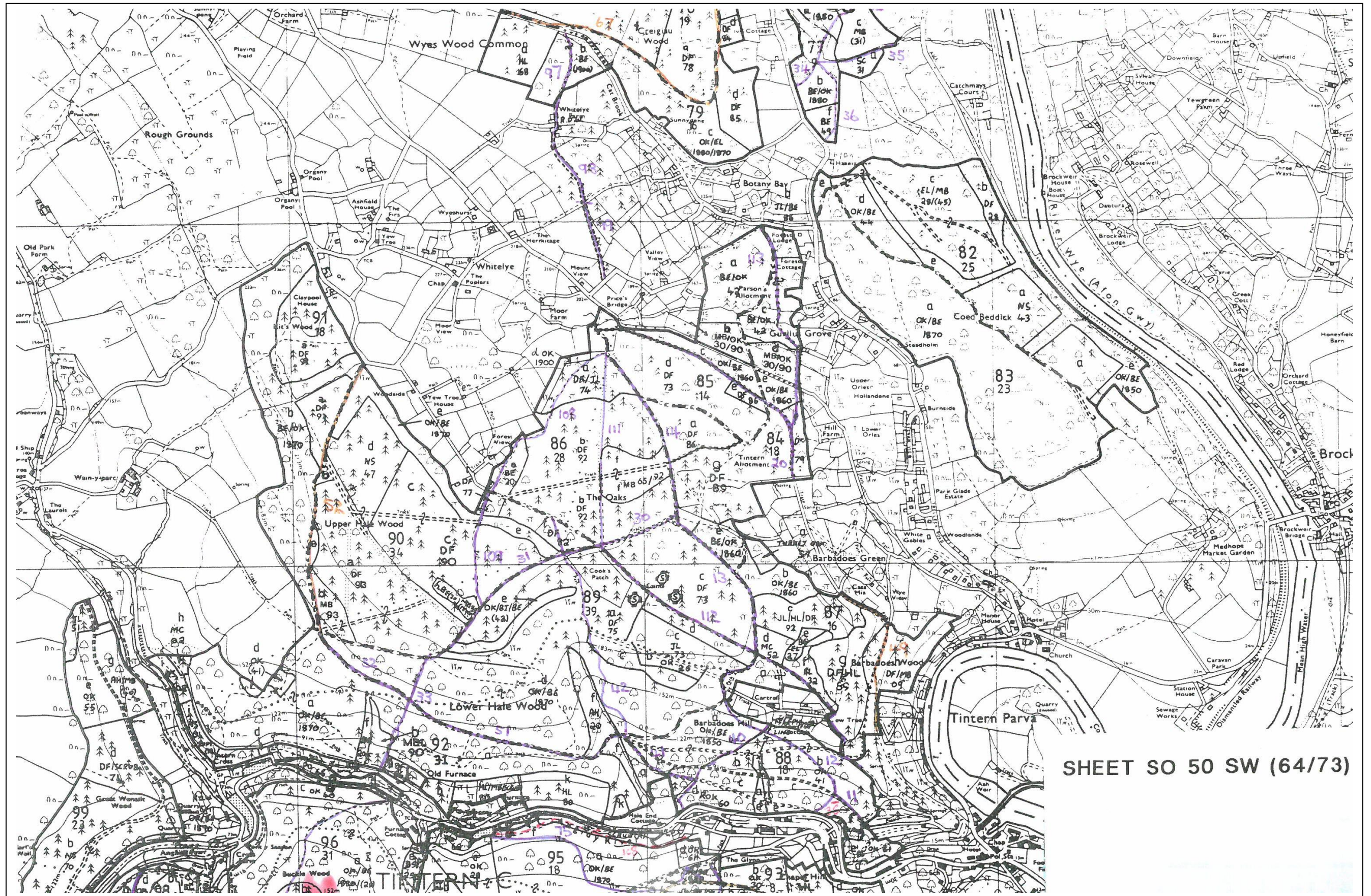
Signed:  ..... **Forest District Manager**  
**(for and on behalf of Forest Enterprise)**

Received by:  ..... **(on behalf of Monmouthshire County Council)**  
*Rights of Way Officer*

on this day the 7<sup>th</sup> of August 1997.

Mae'r Fenter Goedwigaeth yn gyfrifol am reoli'r coedwigoedd a'r iroedd y mae'r genedl yn berchen arnynt. Ymhlith ei hamcanion y mae cynhyrchu a chyflenwi pren ar gyfer diwydiant, diogelu bywyd rhywiol yn ei choedwigoedd a darparu amrywiaeth eang o gyfleoedd hamdden.

Forest Enterprise is responsible for the management of forests and woodlands owned by the nation. Its objectives include the production and supply of timber for the wood using industry, the conservation of wildlife in its forests and the provision of wide ranging recreation opportunities.



01\_13MOD\_PB: Forestry Commission: 7<sup>th</sup> August 1997  
 HA1980 s31(6) Statutory Declaration – Extract of relevant Deposit Plan  
 Appendix 5.2

*Deemed dedication of rights of way in Monmouthshire County Council*

STATUTORY DECLARATION

SECTION 31 (6) OF THE HIGHWAYS ACT 1980

COPY

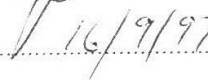
I, Colin Pearce, Forest District Manager of S E Wales Forest District, Wentwood, Llanvaches, Newport, Gwent on behalf of the Forestry Commission DO SOLEMNLY AND SINCERELY DECLARE as follows:

1. The Forestry Commission, 231 Corstorphine Road, Edinburgh EH12 7AT acquired the land shown on the attached maps, outlined in black between 1924 and 1974. The land so delineated is currently in the ownership of the Forestry Commission.
2. On 8th August 1997 I deposited maps 1 to 14 of this document with Mr R J McAllister of Monmouthshire County Council being the appropriate Council, and state that no additional rights of way are dedicated on Forestry Commission land other than those rights of way marked as follows:  
  
*Brown* - which have been dedicated as highways with vehicular status;  
  
*Green* - which have been dedicated as bridleways;  
  
*Purple* - which have been dedicated as footpaths.
3. No additional ways have been dedicated over the land edged black on the plan accompanying this declaration other than those highways with vehicular status, bridleways and footpaths marked in the appropriate colour on the plan accompanying this declaration. At the present time the Forestry Commission has no intention of dedicating any more public rights of way over its property.

AND I MAKE this solemn declaration on the 16th day of September 1997 conscientiously believing it to be true and by virtue by the Statutory Declarations Act 1835.

Declared at Chepstow Magistrates Court

Signed:  (on behalf of Forestry Commission)

Date: 

Before me

  
Justice of the Peace

# Menter Coedwigaeth Forest Enterprise

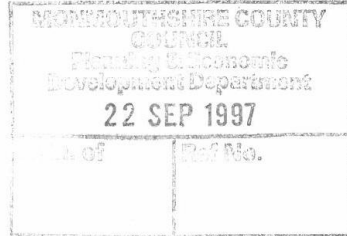


yn rhan o'r Comisiwn Coedwigaeth  
an executive agency of the Forestry Commission

Our Ref: L18  
17th September 1997

Monmouthshire County Council  
County Hall  
Cwmbran  
Gwent

FAO Mr R J McAllister



**Cymru**  
Rhanbarth Goedwigo  
de Ddwyrain Cymru  
Wentwood  
Llanfaches  
Casnewydd, Gwent

**Wales**  
South East Wales  
Forest District  
Wentwood  
Llanvaches  
Newport, Gwent

NP6 3AZ

Ffôn/Tel: 01633 400205  
Ffacs/Fax: 01633 400135

Rheolwr Rhanbarthol Coedwigo  
Forest District Manager  
Paul Sherrington

Dear Mr McAllister

## DEEMED DEDICATION OF RIGHTS OF WAY SECTION 31(6) OF THE HIGHWAYS ACT 1980

I refer to our recent meeting when I deposited a statement and plan with you under the above act.

On the 16th September 1997 a Statutory Declaration was made by Mr C J Pearce (Forest District Manager of S E Wales Forest District) at Chepstow Magistrates Court. A copy of this declaration is enclosed. The effect of this is to negative any intention to dedicate which might otherwise be presumed or implied from public use. It is the intention of Forest Enterprise to lodge similar declarations at six year intervals.

This declaration has no effect in denying the existence of public rights of way shown on the definitive maps, including deemed dedication by virtue of 20 years user before the statement was deposited with you.

Forest Enterprise will be willing to rectify any mistakes which you may have identified on the maps which were deposited with you.

S E Wales Forest District office is due to close at the end of this month. Your contact point for the future will be Forest Enterprise, Resolven, Nr Neath, West Glamorgan, Tel: 01639 710221.

Yours sincerely

Sally Tansey  
For and on Behalf of  
Forest District Manager

CAMS 00314  
STAT DEC

15/9/1997.

Mae'r Fenter Goedwigaeth yn gyfrifol am **reoli'r** coedwigoedd a'r coetiroedd y mae'r genedl yn berchen arnynt. Ymhlith ei hamcanion y mae **cynhyrchu** a chyflenwi pren ar gyfer diwydiant, diogelu bywyd **gywllt** yn ei choedwigoedd a darparu amrywiaeth eang o **gyfleoedd** hamddena.

**Forest Enterprise** is responsible for the **management** of forests and woodlands owned by the nation. Its objectives include the **production** and supply of timber for the wood using industry, the **conservation** of wildlife in its forests and the provision of wide ranging **recreation** opportunities.