

## APPENDICES



### **SEVERNSIDE RANGE**

**P.O.BOX 68, PENARTH, CF64 5XH**

**TELEPHONE 029 20531830**

**FAX 029 20531830**

26 January 2022

Dear Ms Mussell.

**Re: your pre-order consultation evidential report of which we find parts to be incorrect and misleading.**

**Page 1 1.2**

The earth mound behind the targets is our butts, which is designed to stop bullets and is maintained at an angle of 34 degrees, and up to the time when the Ministry of Defence (M.O.D) stopped using it in the early 90's had wooden fences across the top for various safety reasons as shown in photographs.

As to your counter evidence, we understand that the counter was situated near the M.O.D Range which is approximately 1 mile west of our Range and therefore does not lend evidence of usage on ours.

**Page 1 1.3**

The barriers referred to were installed because our gates were cut up by vandals and on several occasions had cattle come through and if not stopped could gain access to the motorway and/or train lines which could result in a serious accident.

**Page 4 2.8**

There has been much criminal activity along this section of the sea wall, being gates constantly destroyed, fly tipping, arson, theft, and damage to our signs, target frames destroyed, scramble bikes on our target area, locks on our units being glued, flag poles stolen on 2 occasions, and constant drug use. We have Police reference and crime numbers to support this.

**Page 4 2.12**

The Sentry boxes were erected by the M.O.D when the sea defence wall was raised and the main reason is to watch for shipping into our danger area.

**Page 29 8.1**

The target butts which I presume you call the crest of the sea wall, was never cut above sea wall height, and the sea wall was only cut once a year and we're told this was done to inspect the sea wall when needed.

### **Appendix 5.1**

#### **Sevenside Rifle Range – Reply to Pre-order consultation Letter dated 26<sup>th</sup> January 2022 - page 1**

**Why does the report want to place a footpath over our butts when Mr Blomley now retired as Footpath Enforcement Officer, and his colleague Mr S. Pritchard put a notice on this route in 2020 because of the dangers faced because of the steep sides on this route, and both agreed for this route to be closed permanently.**

**They both commented that they could not understand why anyone would want to walk in front of 2 live firing ranges, at a meeting held on Wednesday 29 July 2020 at 11:00 on site.**

**I have been using this Range for nearly 50 years and have never had any issue with walkers, but I must raise the question, why do you want to modify the definitive map when an alternative route is already in place and being used?**

**Also enclosed is a signed petition objecting to these proposals.**

**Yours Sincerely**

A handwritten signature in black ink, appearing to read 'R Williams', written over a horizontal line.

**Richard Williams**

**Appendix 5.2  
Sevenside Rifle Range – Reply to Pre-order consultation  
Letter dated 26<sup>th</sup> January 2022 - page 2**

## **USER'S EVIDENCE**

### **Refer to page 46:-**

#### **11.1.**

There has been no obstruction across the foot path as the foot path does not exist in that position.

#### **11.2**

Refer to the testimonials submitted to the order making authority.

- I) Mr Shute complained that the gates had been welded shut. Reason:- chains & locks continuously cut off allowing cattle & sheep possible access to railway & motorway. In order to prevent this they were welded shut, but later cut down with disc cutters.**
- II) Mr Mayo stated he had been collecting with his friends spent bullets from the top of the sea wall factually incorrect. Spent bullets are only in the bullet catcher. He was trespassing and stealing.**
- III) Mr J C Purnell is factually incorrect as well there has never been a path at the back of the bullet catcher and has never been backed filled. This bullet catcher was built by the MOD and always had a steep and dangerous drop to the river. I would like to point out that he states that we are buliders again factually Incorrect, I have never been a bulider or am a bulider. The fly tipping is access to the fore shore via gates to the west side of Severnside Range (photograph evidence provided). Gates was cut off.**
- IV) Mr Richard C Morgan, I note telephoned which would be regard as hear say he said people of Caldicot have walked there for generations, testimonial supplied by the from the people of Caldicot will state this, but he acknowledge that the definitive foot path is indeed in the river not the bank.**
- v) Mr David Morgan (could be related to the above) states health and well being is particularly important , does not have concerns crossing 2 firing ranges.**
- vi) Mr Phil Williams is correct in pointing out there is no clear signage to date, the fact Mr Shaun Pritchard has refused to install them after many requests**
- vii) Mr Wheeler again factually incorrect the sea wall has always been used by local farmers with their live stock. They have grazing rights fencing are in place to prevent possible access to motorway and railway.**
- viii) Mr Monkey is again factually incorrect stating that the MOD range implements the same precautions as the Severnside Range. The MOD has far greater powers to stop people than a private range.**
- ix) Mr Humble comments irrelevant.**
- x) Mr Matthews has never in the history of the range has never or asked for access for search and rescue operations and would be impossible to launch any rescue from that sea wall apart from the fact he would require permission to across private ground, obviously if it was requested it would be granted.**
- xi) Mr Smith completely wrong and misinformed the people have not been walking there for generations and the definitive map he refers to asks to ensure it remains, which is indeed in the river so walker rights have not been affected.**
- xii) Mr Evans is correct no substantial and clear signage has not been provided by Mr Shaun Pritchard even though after a number of requests, but he has stated public safety is no concern.**

### **Appendix 5.3**

#### **Severnside Rifle Range – Reply to Pre-order consultation Comments on user evidence - 26<sup>th</sup> January 2022 - page 3**

## **Factually Answers to Summary 12**

### **12.1**

Factually incorrect. Ref to summary 12.1 the target holders have never been put up on soft earth sand as stated they are installed in steel target frames. 12.1 suggests regular movement of the mould I can only assume the earth mould that is refer to is the bullet catcher not a mould which does not have regular movement. It must remain at 34% angle.

### **12.2**

Again factually incorrect. there are more than 2 clubs that use Severnside Range e.g.. Bristol Zoo, The Police.

### **12.3**

Again Factually incorrect and totally wrong. Usage on the sea wall and bullet catcher is made by members and look outs and the line top counter is totally irrelevant as it is on the MOD Range 1 mile to the west.

### **12.4**

Again factually incorrect. Registered foot path is in the river.

### **12.5**

Actually correct. Public safety is a issue.

### **12.6**

Under common law usage for criminal activity gives the rise to acquisition of rights. (Photographs supplied ) with continuous damage all logged with Gwent Police.

### **12.7**

Again factually incorrect.

### **12.8**

Again factually incorrect. Used by employees and members of the range.

### **12.9**

Again factually incorrect, as it is important of any realignment as it will be used to perpetrate any criminal damage.

### **12.10**

Again factually incorrect. Sentry boxes were installed for the use of shipping look outs not for the public.

## **Appendix 5.4**

### **Severnside Rifle Range – Reply to Pre-order consultation Comments on summary - 26<sup>th</sup> January 2022 - page 4**



**12.11**

WCP path has been provided at the tax payers. Why would you put the public in danger

**12.12**

Factually correct

**12.13**

Correct this have never happened as there was no need too WDC provided.

**12.14**

Public foot fall does have impact on SSI sites, particularly Caldicot, Rogiet moors as walkers continuously set fires to the banks.

**12.15**

Not relevant

**12.16**

Registered foot path long gone in river bed.

**12.17**

It would be far from sensible to record one single alignment. It would put the public at risk common sense should prevail, especially when alternative route is provided.

**Appendix 5.5**  
**Sevenside Rifle Range – Reply to Pre-order consultation**  
**Comments on summary - 26<sup>th</sup> January 2022 - page 5**

FENCES SHOWN TO PREVENT ACCESS OVER BUTTS



← SIDE ELEVATION  
OF FENCES ON  
BOTH FLANKS  
OF BUTTS

THESE PHOTOGRAPHS WERE TAKEN IN 1990 DURING  
DAY BOOKING USING THE MOD. RANGE

**Appendix 5.6**  
**Sevenside Rifle Range – Reply to Pre-order consultation**  
**Site photographs showing fencing - 26<sup>th</sup> January 2022**



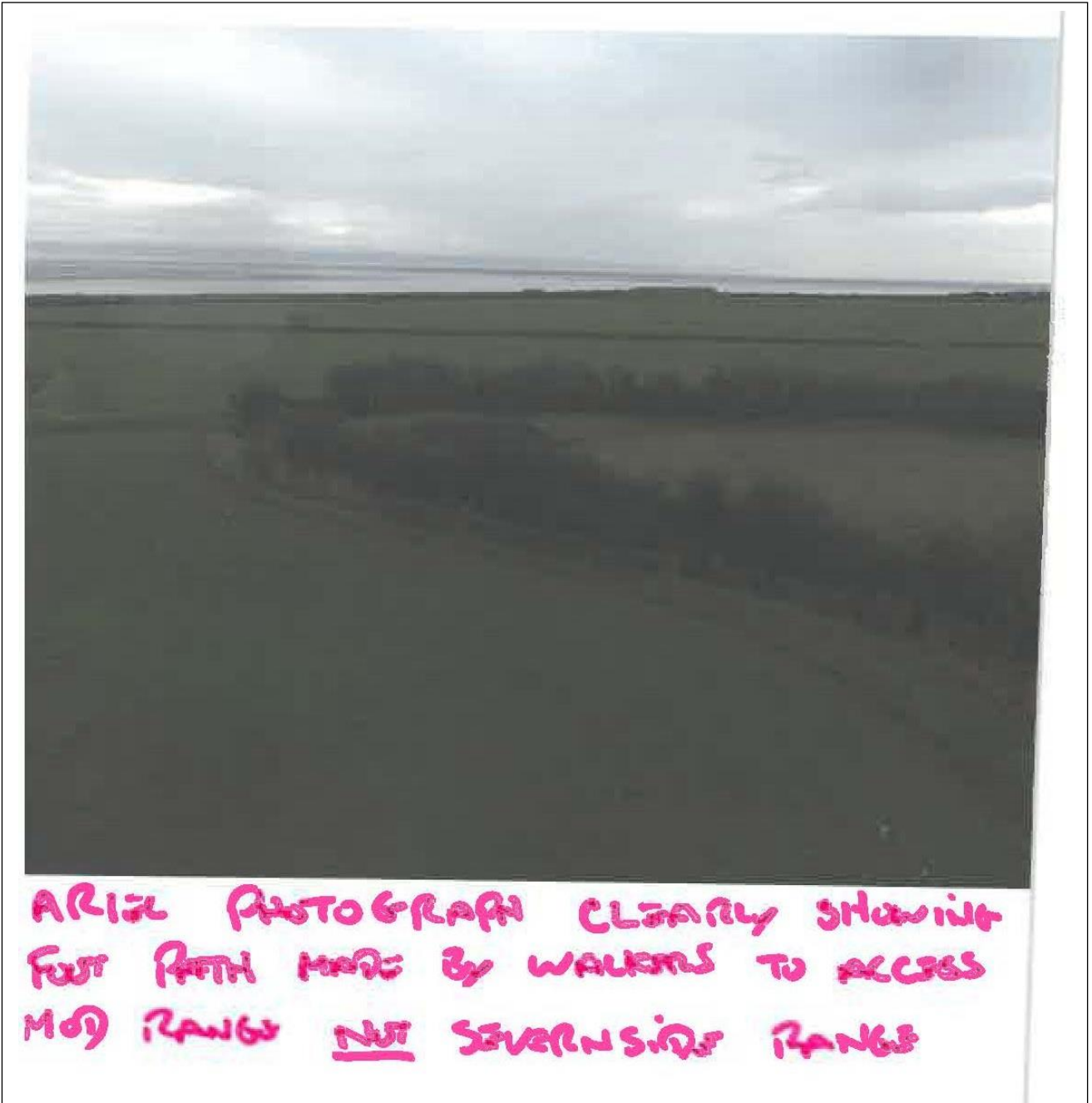
**PHOTO OF THE MILITARY RANGE TO THE WEST SIDE OF SEVERNSIDE RANGE ACCESS BY SUPPLIED PHOTOS DEMONSTRATES THAT THE WALKERS ARE USING THE MILITARY RANGE NOT SEVERNSIDE RANGE. THE LINE TOP COUNTER MM04 IS ON THE MILITARY RANGE, SO PAGES 49 - 11.5 AND 11.6 ARE FACTUALLY INCORRECT (IT IS THE MILITARY RANGE NOT SEVERNSIDE RANGE)**

**Appendix 5.7**  
**Military Rifle Range – Reply to Pre-order consultation**  
**Photograph: The Military Range - 26<sup>th</sup> January 2022**





**Appendix 5.8**  
**Military Rifle Range – Reply to Pre-order consultation**  
**Photograph: Signage at main gates - 26<sup>th</sup> January 2022**

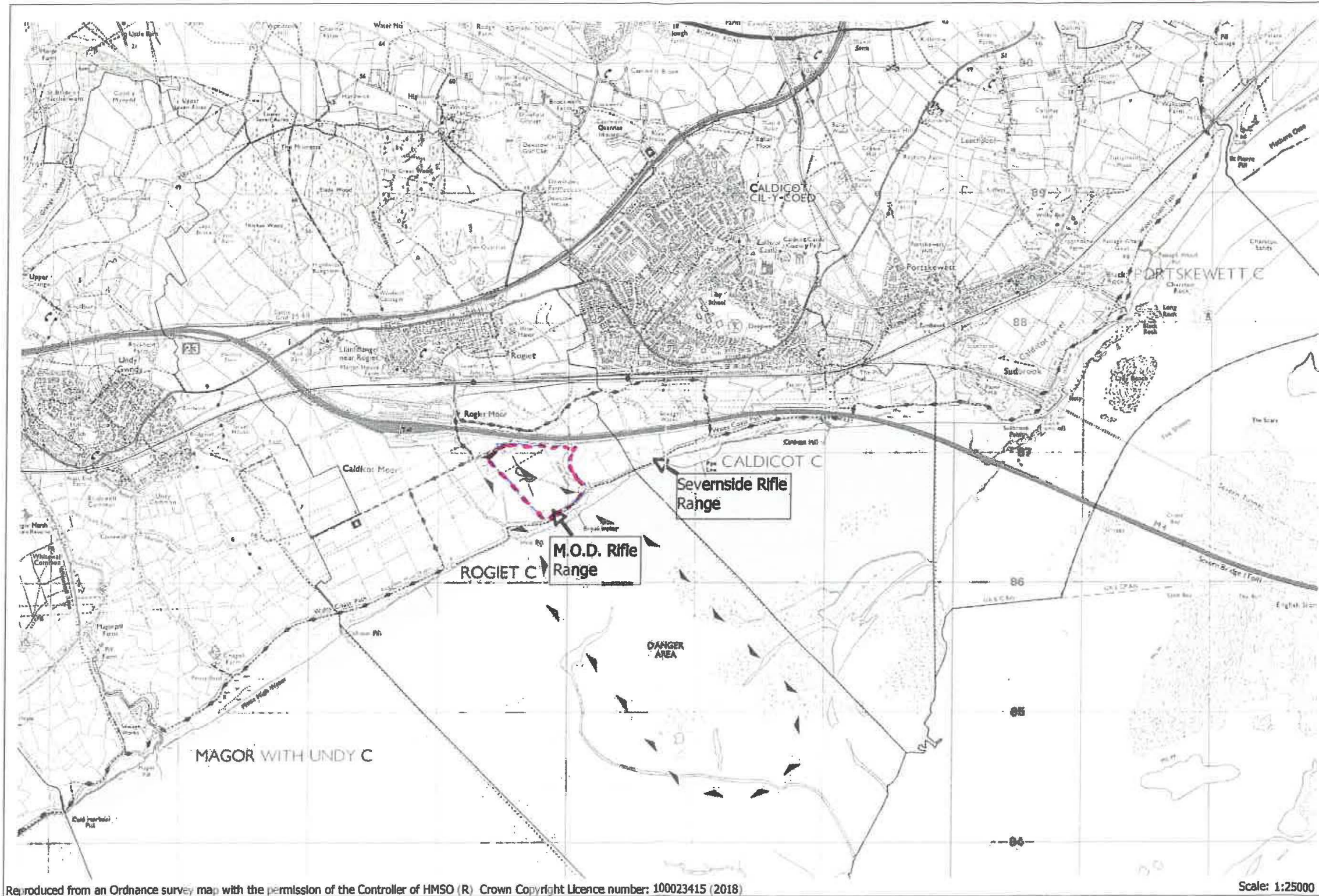


**Appendix 5.9**  
**Military Rifle Range – Reply to Pre-order consultation**  
**Photograph: Footpath at the Military Range - 26<sup>th</sup> January 2022**



APPENDICES

THE RED DOTTED LINE INDICATES THE FOOT PATH USED BY WALKERS IS TO THE WEST OF SEVERNSIDE RIFLE RANGE WHICH IS THE M.O. RANGE PHOTO EVIDENCE TO PROVE THIS



Reproduced from an Ordnance survey map with the permission of the Controller of HMSO (R) Crown Copyright Licence number: 100023415 (2018)

Scale: 1:25000

Appendix 1.1  
Location Map

Appendices: Pre-order consultation Report for FPs 8 Caldicot & 13 Rogiet – November 2021

Appendix 5.10

Military Rifle Range – Reply to Pre-order consultation

Red dots marking location of footpath not on Severnside Range - 26<sup>th</sup> January 2022





CRIMINAL DAMAGE  
WARNING FLAG POLES  
CONTINUOUSLY  
CUT DOWN



CRIMINAL DAMAGE  
LOCK GLEED AND CUT UP  
CONTINUOUSLY



CRIMINAL DAMAGE  
FENCE POSTS CUT DOWN  
ALLOWING CATTLE AND SHEEP  
TO ACCESS TO MOTORWAY  
AND RAILWAY  
WEST SIDE OF SEVERN RANGE



MORE CRIMINAL DAMAGE

**Appendix 5.11**  
**Sevenside Rifle Range – Reply to Pre-order consultation**  
**Reporting criminal damage - 26<sup>th</sup> January 2022**



**Appendix 5.12**  
**Sevenside Rifle Range – Reply to Pre-order consultation**  
**Photograph: Reported criminal damage - 26<sup>th</sup> January 2022**



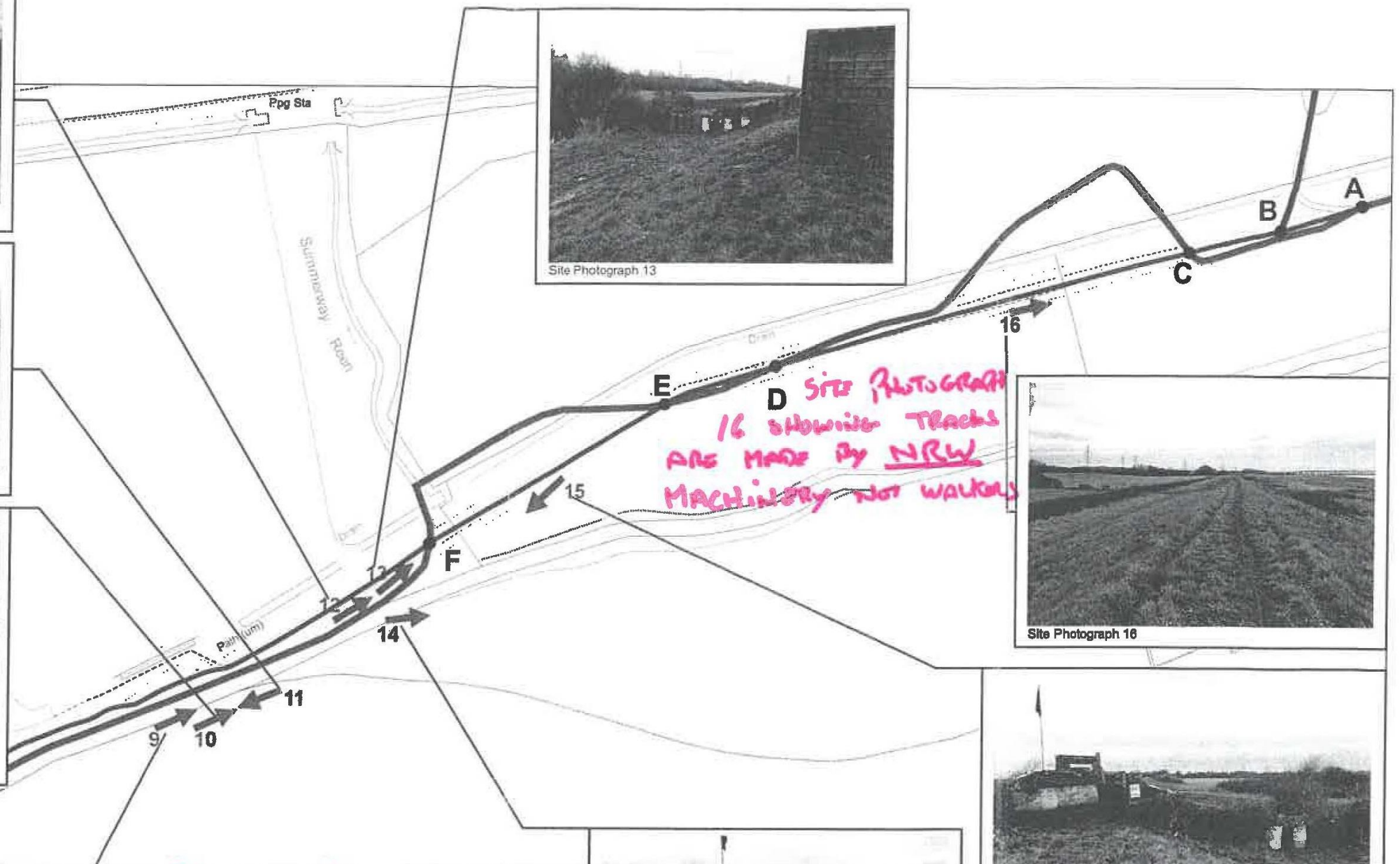
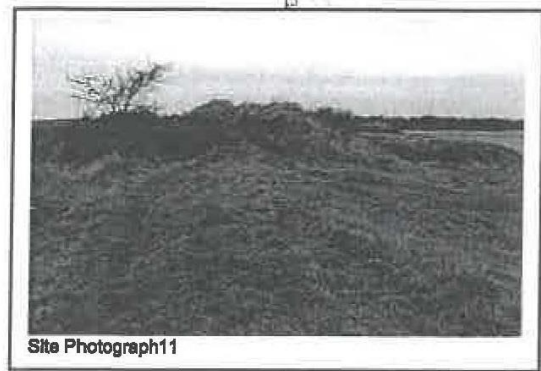


**PHOTO OF COASTAL FOOT PATH TO THE NORTH-EAST SIDE OF SEVERNSIDE RANGE WHICH DEMONSTRATES IS WELL USED BY WALKERS AND NO EVIDENCE OF WALKERS TURNING TO THE WEST TO CROSS SEVERNSIDE RANGE**

**Appendix 5.13**  
**Severnside Rifle Range – Reply to Pre-order consultation**  
**Photograph: The northeast section of coastal path - 26<sup>th</sup> January 2022**



SITE PHOTOGRAPHS 11, 12, 13 AND 15  
NOT SURE WHAT RELEVANCE THEY ARE



D SITE PHOTOGRAPH  
16 SHOWING TRACKS  
ARE MADE BY NRW  
MACHINERY NOT WALKERS

SITE PHOTOGRAPHS 9 - 10  
ARE MADE BY RANGE MEMBERS  
POSITIONING TARGET FRAMES

SITE PHOTOGRAPH 14  
SHOWING TRACKS MADE  
BY RANGE MEMBERS OWN LOCK OUTS

Appendix 10.2  
Site Photographs 9 to 16 – December 2020

To whom it may concern.

I was brought up until my late teen's at Royiet and then moved to Caldicot, I played down the moor's on the foreshore, we knew that there was a military shooting range on the foreshore at Caldicot, when the red flags were flying ore when we could here firing we would keep well away, I was never aware of a foot path through it.

Yours faithfully.

P. Payne.

PETER GRAHAM PAYNE.

6 COBBS CRESENT  
CALDICOT  
NP26 5BY.

#### Appendix 5.15

#### Sevenside Rifle Range – Reply to Pre-order consultation Letter from Mr P. G. Payne - 26<sup>th</sup> January 2022

L Kealaher  
14 Shakespeare Close  
Caldicot  
NP26 4LN  
18/01/22

To whom it may concern,

Whilst walking my dog last year near Oak's Bridge, Caldicot on the coastal foot path I was approached by a male who introduced his self as Shaun Pritchard, Public Rights of Way Enforcement Officer  
E-mail: [shaunpritchard@monmouthshire.gov.uk](mailto:shaunpritchard@monmouthshire.gov.uk).

He asked if I was going to walk across the sea wall throughout Severnside Range I said that I did not think I was allowed as it was private ground and a shooting range.

He proceeded to tell me that he was going to make it a foot path and he encouraged me to write to his office stating that I used it regularly and the more people that wrote in he would make sure that the path is forced through even though it is private ground.

This I declined to do.

I feel I need to bring this man's actions to someone's attention.



L Kealaher

#### Appendix 5.16

### Severnside Rifle Range – Reply to Pre-order consultation – 26<sup>th</sup> January 2022 Letter from Mr L Kealaher - 18<sup>th</sup> January 2022



We the undersigned strongly oppose the definitive map modification order to record routes 83 Caldicot and 27 Rogiet as public footpaths in the communities of Caldicot and Rogiet near the Severnside Rifle Range as an alternative Route is already in place.

Name	Signature
JD McCrann	JD McCrann
A. BENJAMIN	A. Benjamin
R. EUANS	R. Evans
D. TUCKER	D. Tucker
P. SCOTT	P. Scott
P. LEIGHT	P. Leight
A. CORCORAN	A. Corcoran
J. PEEBLES	J. Peebles
N. COLLET	N. Collet
J. HOWARD	J. Howard
AD WELLS	Ad Wells
CJ BAYLISS	CJ Bayliss
P. HACKER	P. Hacker
DAN MILL	Dan Mill
NEIL WILLIAMS	Neil Williams
L. PARTON	LINDON PARTON
R. PULLAR	R. Pullar
A. NEWMAN	A. Newman
D. GROVES	D. Groves
S. SULLIVAN	S. Sullivan
S. RAIKES	S. Raikes

**Appendix 5.17**

**Severnside Rifle Range – Reply to Pre-order consultation – 26<sup>th</sup> January 2022  
Petition page 1**

We the undersigned strongly oppose the definitive map modification order to record routes 83 Caldicot and 27 Rogiet as public footpaths in the communities of Caldicot and Rogiet near the Severnside Rifle Range as an alternative Route is already in place.

Name	Signature
ANGELA LEIGH	ALIGH
Rachel Morris	Rmorris
Rob Morris	Robol.
K. Spencer	Kspencer.
LLOYD FORREST	LForrest
Ashley Forrest	Aforrest.
Siân Bowen	Sbowen
Alan Bowen	A Bowen
Lewis Bowen	L Bowen
Jack Dodd	J Dodd
SIMON JAMES	S James
BILL JONES ,	B JAMES .
INERID .SPENCER	I Spencer .
JOHN JONES .	J Jones
ms A. West	A West
Mr B West	B West .
Elizabeth Thomas	E Thomas
Brian Thomas	Btl .
HELVETH RIDDEL	W/R

**Appendix 5.18**

**Severnside Rifle Range – Reply to Pre-order consultation – 26<sup>th</sup> January 2022**

**Petition page 2**

We the undersigned strongly oppose the definitive map modification order to record routes 83 Caldicot and 27 Rogiet as public footpaths in the communities of Caldicot and Rogiet near the Severnside Rifle Range as an alternative Route is already in place.

Name	Signature
PHILIP VITTE 41, THE CURSA PORTSKWATEL	P.J. Vitte
TERRY LOVE 4A ST SIZEVENS CALDICOT	T.A. Love
P. MITCHELL 2 THE CROSS, CALDICOT	<del>P. Mitchell</del>
N. MASON 5 CHANCE COUSE	N. Mason
DAVID DODD 32, Oakley Way, Caldicot	David Dodd
Karen Smith 39 Coe Manor Rd CALDICOT	K. Smith
Nichola Hill 1 Paxton Rd Caldicot	N. Hill
Georgi Sutton 101 Manor NP263DF	G. Sutton
GRAHAM COFFIN	G.R. Coffin
Kern Casack	K. Casack
ROGER WILKS 1 QUEEN VICTORIA CALDICOT	R. Wilks
TANU SYDANDES	T. Syndes
Julia Haslam VICERSWOOD	J. Haslam
RON WHITE CALDICOT	R. White
ANNE OWEN	A. Owen
Ceri Evans	C. Evans
Jackson Sim	J. Sim
E. MITCHELL 1, Dewshaw, Rd CALDICOT	E. Mitchell
ASHLEIGH HARRIS	A. Harris
JAMES LIND	J. Lind

Appendix 5.19

Severnside Rifle Range – Reply to Pre-order consultation – 26<sup>th</sup> January 2022

Petition page 3



We the undersigned strongly oppose the definitive map modification order to record routes 83 Caldicot and 27 Rogiet as public footpaths in the communities of Caldicot and Rogiet near the Severnside Rifle Range as an alternative Route is already in place.

Name	Signature
A Collyer	A Collyer
J. Collyer	J. Collyer
P. NICHOLLS	P. Nicholls
TERRY FOREMAN	Terry Foreman
DAVID LOREN	David Loren
Keith Brooks	Keith Brooks
Sharon Brooks	Sharon Brooks
MIKE COLLINS	Mike Collins
TRACEY POK	Tracey Pok
WILLIAM HICKS	William Hicks
KEVERNE CLOKE	Keverne Cloke
DAVID HARPER	David Harper
DAVE GRAHAM	Dave Graham
BEN GODDARD	Ben Goddard
ALAN GAZE	Alan Gaze
MARK WILLIAMS	Mark Williams
CALUM WILLIAMS	Calum Williams
R. COSGRIV	R. Cosgriv
HARRY WILLS	Harry Wills
RICHARD TAYLOR	Richard Taylor
TREVOR MORRIS	Trevor Morris
ANTHONY LEAMON	Anthony Leamon

**Appendix 5.20**

**Severnside Rifle Range – Reply to Pre-order consultation – 26<sup>th</sup> January 2022**

**Petition page 4**

We the undersigned strongly oppose the definitive map modification order to record routes 83 Caldicot and 27 Rogiet as public footpaths in the communities of Caldicot and Rogiet near the Severnside Rifle Range as an alternative Route is already in place.


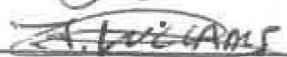
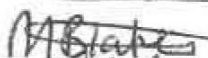
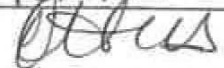
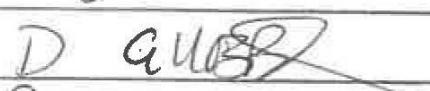
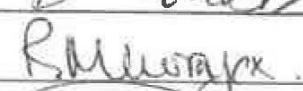
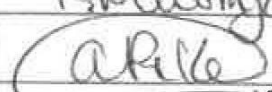
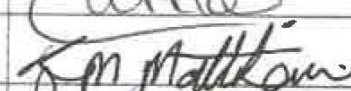
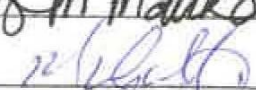
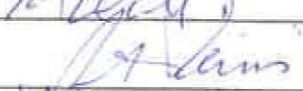
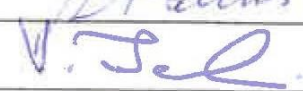




Name	Signature
M ROGERS	M Rogers
MICHAEL FROST	Michael Frost
JEREMY BACON	Jeremy Bacon
Lauren Johnson	Lauren Johnson
Pear Goodrough	Pear Goodrough
Eric Bayless	<del>Eric Bayless</del>
R.P. HULLIER	R.P. Hullier
M. GUM	M. Gum
Chris THOMAS	Chris Thomas
JOHN Tremain	JATremain
Thomas Basset	Thomas Basset
DAVID JONES	David Jones
Tim Willis	Tim Willis
JOHN TILLEY	John Tilley
KENNETH JOHN BODDEN	K. J. Bodden
SAMANTHA WILLIAMS	S Williams
Kevin Todd	Kevin Todd
Colette Dampier	Colette Dampier

**Appendix 5.21**

**Severnside Rifle Range – Reply to Pre-order consultation – 26<sup>th</sup> January 2022**

**Petition page 5**

We the undersigned strongly oppose the definitive map modification order to record routes 83 Caldicot and 27 Rogiet as public footpaths in the communities of Caldicot and Rogiet near the Severnside Rifle Range as an alternative Route is already in place.

Name	Signature
Jessica Greenly	
JAC WILLIAMS	
Mikhail Blake	
DES HILL	
DARREN HOBBS	
Russell MURRAY	
Alex Pike	
John MATTHEWS	
Michael Hall	
RICHARD DAVIS	
WILIAN JOHN	
PRIZYAS REKOTKO	
GORDON HEAD	
MIKE JOHNSON	
FERNALD HAINES	









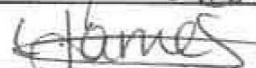
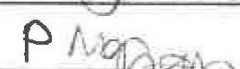
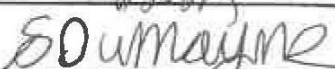






**Appendix 5.22**

**Severnside Rifle Range – Reply to Pre-order consultation – 26<sup>th</sup> January 2022  
Petition page 6**












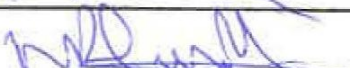







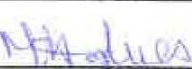



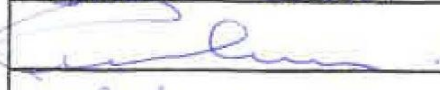
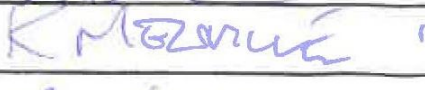

We the undersigned strongly oppose the definitive map modification order to record routes 83 Caldicot and 27 Rogiet as public footpaths in the communities of Caldicot and Rogiet near the Severnside Rifle Range as an alternative Route is already in place.

Name	Signature
JODIE HILL	
TONY ROSSI	
Brenda Bestem	
Susan O'Brien	
KAY DAVIES	
PETER ANDREWS	
Dai ANDREWS	
Mr. W. David	
Laura James.	
PHILIP MORSE	
Shay DUMAYNE	
David Samuel	
Ken MURDEN	
BARRY POWELL	
Adam Brown	
J. Brown	
J. Brown	

**Appendix 5.24**

**Severnside Rifle Range – Reply to Pre-order consultation – 26<sup>th</sup> January 2022  
Petition page 8**

We the undersigned strongly oppose the definitive map modification order to record routes 83 Caldicot and 27 Rogiet as public footpaths in the communities of Caldicot and Rogiet near the Severnside Rifle Range as an alternative Route is already in place.

Name	Signature
Huwel Cleaves	
Andy Grist	
Jason Weed	
Adam weed	
SADEN QUINN	
Courtney Spaw	
Kevin Horsrup	
W.D. Smith	
ZJ Smith	
Shaun Kealaker	
Jake Hodge	
Debra Weed	
Nathan Kealaker	
ROBERT DARRK	
Martin White	
Mawes Holms	
Liam Marks	
Tara Lunn	
Robert Lunn	
	
A Ward	

**Appendix 5.25**

**Severnside Rifle Range – Reply to Pre-order consultation – 26<sup>th</sup> January 2022**

**Petition page 9**



We the undersigned strongly oppose the definitive map modification order to record routes 83 Caldicot and 27 Rogiet as public footpaths in the communities of Caldicot and Rogiet near the Severnside Rifle Range as an alternative Route is already in place.





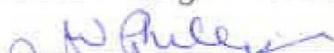


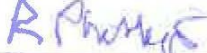
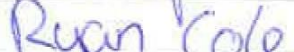









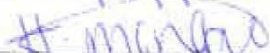

Name	Signature
JANET CARTER	J. Carter
MARIE THOMPSON	[Signature]
SIAN THOMPSON	[Signature]
M & Campbell	M & Campbell
FLETCHER BUCK	[Signature]
SHANE CARTER	[Signature]
LISA CARTER	[Signature]
STUART JONES	S Jones
ANGELA JONES	A Jones
CHRIS LEE	[Signature]
LEE KEALAHUE	[Signature]
RHYS BARN	[Signature]
STEVEN	[Signature]
A AFFLE	[Signature]
JOANNA GOODWIN	[Signature]
JAMES GOODWIN	[Signature]
DIANE GOODWIN	[Signature]
HOLLY GRIFFITHS	[Signature]
BRADLEY BATES	[Signature]
PETER PAYNE	[Signature]
KYLA JONES	[Signature]
KEITH HIGNLEY	[Signature]

**Appendix 5.26**

**Severnside Rifle Range – Reply to Pre-order consultation – 26<sup>th</sup> January 2022**

**Petition page 10**

We the undersigned strongly oppose the definitive map modification order to record routes 83 Caldicot and 27 Rogiet as public footpaths in the communities of Caldicot and Rogiet near the Severnside Rifle Range as an alternative Route is already in place.

Name	Signature
D FLOWERS	
C PEARCE	
D. Jones	
R Tyler	
W PHILLIPS	
DEB PHILLIPS	
Tegan Phillips	
RHEENVA PHILLIPS	
R Cole	
REDWARDS	
DAN LANE	
R Cole	
S Cole	
M thornburn	
Heather Griffiths	
Anney Jones	
Emily Griffiths	
Mare Griffiths	
H Morgan	
Jack Harris	

**Appendix 5.27**

**Severnside Rifle Range – Reply to Pre-order consultation – 26<sup>th</sup> January 2022  
Petition page 11**





**From:** Purnell, Gary

**Sent:** 05 January 2022 09:52

**To:** Mussell, Mandy <MandyMussell@monmouthshire.gov.uk>

**Subject:** RE: 01\_'20Mod - Seawall Caldicot Rogiet Definitive Map Modification Order (DMMO) 036

Good Morning Ms Mussell

Please find attached (*below*) response to the above consultation which relates to our flood risk management interests and the coastal flood defences at this location.

Kind Regards

Gary

Gary Purnell

Senior Advisor (Development & Flood Risk)

[Uwch Ymgynghorydd \(Datblygu a Pherygl Lifogydd\)](#)

Natural Resources Wales / [Cyfoeth Naturiol Cymru](#)

**Office Location:**

Plas Gwendraeth, Heol Parc Mawr, Cross Hands Business Park,

Cross Hands, Llanelli, Carmarthenshire SA14 6RE

**WILDLIFE AND COUNTRYSIDE ACT 1981 SECTION 53:**

**DEFINITIVE MAP MODIFICATION ORDER TO RECORD ROUTES 83 CALDICOT AND 27 ROGIET AS PUBLIC FOOTPATHS IN THE COMMUNITIES OF CALDICOT AND ROGIET NEAR THE SEVERNSIDE RIFLE RANGE.**

**Development & Flood Risk (South) – Gary Purnell ([gary.purnell@naturalresourceswales.gov.uk](mailto:gary.purnell@naturalresourceswales.gov.uk))**

The proposed route of the path along the crest of the existing coastal flood defences between points F and G (extract below) has created an issue for NRW in respect of unpermitted works to our coastal flood defences. These works comprise of an oil drum/skip barrier that has been constructed by the Severnside Rifle Range to prevent illegal access and subsequent vandalism within their site. The barrier does have a negative impact on the integrity of NRW's coastal flood defences, primarily within the area of point F and the eastern sentry box. Your authority i.e. Shaun Pritchard (previously Ian Blomeley) has been aware of this issue and the concerns of NRW in relation to those unpermitted works to the coastal flood defences.

The owner of the Severnside Rifle Range (Mr Richard Williams) proposes to implement security type fencing with the prior approval of NRW via the Flood Risk Activity Permitting (FRAP) process. This will also enable those unpermitted works to be removed from the defences. However, considering the proposed route of FP83 (between F and G) this would not enable the site owner to properly secure the site, as any such fencing would in theory need to extend beyond the crest of the defences and down into the estuary along the seaward toe of the scheme.

Whilst we have no objections to the proposed route, it is essential that the Severnside Rifle Range owner is contacted (may have already been included in the consultation) with regards the ongoing issues of trespass and vandalism within their site and, whether measures can be put in place to prevent this happening as a result of the proposed definitive route along the crest of the coastal defences.

The route of the unaffected footpath (FP354/6) along the seaward toe of the coastal defences would have no material impact with the implementation of such security fencing proposed by the rifle range.

The increase in numbers of users that may result from a formalised footpath route along the coastal flood defences may cause damage. Your authority may be liable for such damage and be responsible to instigate any remedial repairs to ensure that the level and the integrity of these defences are not compromised.

**Integrated Engineering – Philip Poole ([Philip.Poole@cyfoethnaturiolcymru.gov.uk](mailto:Philip.Poole@cyfoethnaturiolcymru.gov.uk))**

From a maintenance perspective we have no significant concerns with this, on the basis that the path/track installed does not prevent NRW from using our usual plant/kit i.e. Aebi mower, tractor flail etc.

We will need assurance from your authority with respect to us not needing to apply for formal notices for footpath closures when we do carry out maintenance on the bank. This can have an adverse impact with the delivery of our annual maintenance programme.

For any proposed fencing, kissing style gates or stiles that may be installed, it is essential that we have suitable access (including keys to gates if applicable) through these structures for our plant and machinery. These structures are also likely to require a Flood Risk Activity Permit (FRAP) from NRW.

Please be aware that using the crest of the existing coastal defences does raise public safety concerns with the potential for slips, trips and falls from height on either side of the raised defences. This is also independent of the location next to a firing range which has its own specific risks.

## Appendix 5.29

### Natural Resources Wales (NRW) – Reply to Pre-order consultation

5<sup>th</sup> January 2022

Mr G. Purnell  
Natural Resources Wales  
Senior Advisor (Development & Flood Risk)  
[Gary.Purnell@cyfoethnaturiolcymru.gov.uk](mailto:Gary.Purnell@cyfoethnaturiolcymru.gov.uk)

Dear Mr Purnell,

RE: **WILDLIFE AND COUNTRYSIDE ACT 1981 SECTION 53 - DEFINITIVE MAP MODIFICATION ORDER TO RECORD ROUTES 83 CALDICOT AND 27 ROGIET AS PUBLIC FOOTPATHS IN THE COMMUNITIES OF CALDICOT AND ROGIET NEAR THE SEVERNSIDE RIFLE RANGE.**

Thank you for your reply to the consultation, dated 5<sup>th</sup> January 2022 (included below for reference).

I am aware of the ongoing issues regarding the unpermitted works to NRW coastal flood defences as these also obstruct the public footpaths 354/6 and 378/13.

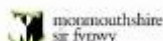
It is these unpermitted works that have brought the route alignment into question. Having investigated all the available historic documentation, it has revealed two route alignments. One route is the registered footpaths 354/6 and 378/13 that occasionally follows the crest and the seaward toe of the seawall. In some locations the alignment of the registered footpath travels further in land. The other route follows the crest of the seawall and the removal of kissing gates and the placement of "oil drum/skip barrier" has brought this alignment into question.

Landowners are permitted to install boundary fences if they wish to. However, they would have to ensure that the public right of way is open and available for use. A gap in a boundary fence is the initial requirement in accordance with the Equality Act 2010. If a barrier is required for stock control or is needed to protect the safety of the public, then a kissing gate, or pedestrian gate may be permitted after the landowner makes an application for a footpath furniture license under sections 147 or 66 of the Highways Act 1980. The installation and continuous maintenance of footpath furniture is the responsibility of the landowner.

The landowner and site manager have been included in this pre-order consultation. The ongoing issues of trespass and vandalism are concerning but are not considered under section 53 of the Wildlife and Countryside Act 1981. The perceived experience of an alleged public right of way combined with any associated and anticipated need, nuisance and/or security, surrounding the arguments for and against the registration of a claimed route, are not considered under this legislation and will not inform whether it should or should not be registered. The legislation for a Definitive Map Modification Order (DMMO) allows for anyone to register a route on the Definitive Map and Statement (DM&S) that is shown to "subsist or is reasonably alleged to subsist" and if either of these tests are satisfied then the Order Making Authority is duty bound to make the Order and on the "balance of probabilities" to confirm that Order.

The recorded unaffected footpaths, FPs 354/6 and 378/13, were originally on the crest of the previous alignment of the seawall. At the time of the redevelopment of the coastal defences no consideration was given to reposition the public footpaths correctly and formally. The security fencing proposed by the landowner would obstruct any right of way in the area. Furthermore, due to the redevelopment of the seawall sections of the recorded footpaths have been left unavailable for use.

There are other sections of the recorded footpaths that utilise the crest of the seawall that show no significant damage or change in the surface even with the increased usage due to the pandemic in 2020. You have previously described the use of the crest of the seawall as follows: "I haven't had any reports of concerns we have with walking along the defences as this tends to happen with a lot of our flood alleviation schemes."



Mae BywydMynwy yn grŵp gwasanaeth a gaiff ei reoli gan Gyngor Sir Fynwy  
MonLife is a service group managed by Monmouthshire County Council

[www.monmouthshire.gov.uk](http://www.monmouthshire.gov.uk)

P.T.O

Mae'r Cyngor yn croesawu gohebiaeth yn Gymraeg. Saesneg neu yn y ddwy ieith. Byddwn yn cyfathrebu a chi yn ôl eich dewis. Ni fydd gohebu yn Gymraeg yn arwain at oedi.  
The Council welcomes correspondence in English or Welsh or both and will respond to you according to your preference. Corresponding in Welsh will not lead to delay.

## Appendix 5.29.1

# Monmouthshire County Council (MCC) reply to Natural Resources Wales (NRW) Page 1 of 2 - 9<sup>th</sup> February 2022



The Authority will not be liable for any damage and responsible for any repairs to the integrity of the seawall as it is evident that footfall usage over many years has not caused any significant damage.

Moreover, the legislation specifies that a way not previously recorded in the DM&S but added by means of a modification order depended on the evidence and was likely to be maintainable at public expense only if the way existed in 1835, or there was subsequent agreement to maintain it then it is maintainable at public expense. Additionally, section 23 of the Highways Act 1835 applied to 'roads', and according to the meaning then attached to the word 'road' it was held not to apply to footpaths. This means that as footpaths were outside of the Highways Act 1835, they continued to be maintainable by the inhabitants at large, and did so irrespective of whether they came into existence because of express dedication or presumed dedication at that time, under common law. The responsibility of surface maintenance is not down to the local authority. However, some routes in the area are maintained to the level for ordinary traffic, that is to footpath status, which is currently undertaken by Monmouthshire County Council's field wardens who regularly cut the up growth.

In this instance due to the obstructions made by the landowner in 2020 a DMMO has been instigated to record the claimed alignment. If this leads to a confirmed order, then the Authority will have to enforce the removal of any obstructions.

I hope this clarifies the position with regards to the legislation in connection with the Definitive Map Modification Order (DMMO) process.

Yours sincerely,

Mandy Mussell

Definitive Map Officer

## **Appendix 5.29.2**

### **Monmouthshire County Council (MCC) reply to Natural Resources Wales (NRW) Page 2 of 2 - 9<sup>th</sup> February 2022**

Mr P. Poole  
Natural Resources Wales  
[Philip.Poole@cyfoethnaturiolcymru.gov.uk](mailto:Philip.Poole@cyfoethnaturiolcymru.gov.uk)

Dear Mr Poole,

**RE: WILDLIFE AND COUNTRYSIDE ACT 1981 SECTION 53 - DEFINITIVE MAP MODIFICATION ORDER TO RECORD ROUTES 83 CALDICOT AND 27 ROGIET AS PUBLIC FOOTPATHS IN THE COMMUNITIES OF CALDICOT AND ROGIET NEAR THE SEVERNSIDE RIFLE RANGE.**

Thank you for your reply to the consultation, dated 5<sup>th</sup> January 2022 (included below for reference).

The perceived experience of the existence of a public right of way and any associated and anticipated maintenance, need, nuisance and/or security surrounding the arguments for and against the registration of the claimed route are not considered under this legislation and will not inform whether it should or should not be registered.

The Wildlife and Countryside Act 1981 allows for a Definitive Map Modification Order to be submitted by anyone to register a route on the Definitive Map and Statement. If the claimed route is shown to "*subsist or is reasonably alleged to subsist*" and if either of these tests are satisfied, then the Order Making Authority is duty bound to make the Order and on the "*balance of probabilities*" to confirm that Order.

No, the authority is not able to give assurance with respect to NRW not needing to apply for formal notices for footpath closures when you carry out significant maintenance on the bank. Monmouthshire County Council (MCC) is not exempt from paying for and posting notices on site with regards to the current closure in place for the recorded and unrecorded footpaths. However, formal notices have not been required to date and a banks man or similar approach would probably be acceptable and negate the need for formal notices.

The proposed fencing, kissing gates, pedestrian gates and/or gates that may be installed will be the responsibility of the landowner. However, it has been reported that the route over the top of the seawall was maintained by MCC's field wardens, to the level for ordinary traffic, that is to footpath level. MCC's Field Officer reports having in the past contacted the landowner to unlock gates so that the up growth (grass) could be regularly cut with machinery, you would have to take a similar approach.

I hope this clarifies the position with regards to the matters you have raised and the legislation in connection with the Definitive Map Modification Order (DMMO) process.

Yours sincerely,  
Mandy Mussell  
Definitive Map Officer

## Appendix 5.29.3

### Monmouthshire County Council (MCC) reply to Natural Resources Wales (NRW)

### 9<sup>th</sup> February 2022



**From:** Williams, Kristian J <KristianWilliams@monmouthshire.gov.uk>  
**Sent:** 07 December 2021 10:18  
**To:** Mussell, Mandy <MandyMussell@monmouthshire.gov.uk>  
**Cc:**  
**Subject:** RE: 01\_'20Mod - Seawall Caldicot Rogiet Definitive Map Modification Order (DMMO) 08

I'm aware of the MOD site.

The H&S issues on the private range are more concerning given its proximity to the path and the allegations made by the operators that walkers have disregarded safety measures. The rear backstop has said path located on top of it of course. I've visited Severnside range and met the operators on several occasions now, including a recent site visit with Police, NRW, RoW and MCC Councillors to discuss safety, access, and vandalism.

As Environmental Health Officers enforcing H&S at Work (we're synonymous with HSE Inspectors of H&S) we're aware of the operators responsibilities which remain whether there is a DMMO or not. I've also witnessed the control measures they have in place when the range is live and these are similar to those used on the MOD range. So there are no enforcement expectations from my Department at this stage, other than to point out the obvious risks associated with the location of the path, but take your point regarding the designation process and it's terms of reference under the Act which doesn't consider suitability or indeed safety.

I don't enforce H&S on the MOD site, being a Crown premises, the HSE takes primacy.

Kind regards,

Kris

**Mr Kristian Williams**

**Specialist Environmental Health Officer**

**Environmental Health - Commercial Team**

Good evening Mandy

Many thanks for the consultation letter and links.

I'm an EHO with Monmouthshire CC and my Department has an enforcement role in terms of Severnside firing range's duties under health & safety legislation. I note Mr Williams objections contained in the pre-order consultation report. Any comments I would make are in relation to safety and I note that concerning the *status of routes* under section 53 of the Wildlife and Countryside Act 1981, *need, nuisance, security or suitability cannot be taken into account*.

I take it then, that any comments at this point are not officially required from me in terms of the designation process?

Purely from a safety perspective, I can only reiterate observations I have made to date regarding this matter. It is self-evident that locating a public right of way behind an active firing range poses some obvious challenges to safety management and presents a risk of injury or death, should a pedestrian stray onto the range when it is live. Severnside firing range mitigates this risk through the use of red flags and sentries when the range is live. The range is managed by Mr Williams (Range Conducting Officer) who is in radio communication with posted sentries.

It is alleged by Mr Williams that some walkers have flagrantly disregarded these safety measures, thereby placing themselves at risk. Mr Williams has raised other safety concerns in his objections. My understanding is that there is an alternative route available to walkers to circumvent Severnside firing range – namely the Wales Coastal Path.

Irrespective of the designation process, the same reasonably foreseeable risks present themselves given the open nature of the coastline in this area, specifically between A and G, and in any case it would be necessary for Severnside firing range to implement reasonably practicable control measures, including those described above.

Whilst my comments above might not be required at this stage, I thought them relevant given Environmental Health's remit in enforcing the provisions of the Health and Safety at Work etc Act 1974.

Kind regards,

Kris

**Mr Kristian Williams**

**Specialist Environmental Health Officer**

**Monmouthshire County Council**

**Environmental Health - Commercial Team**

## Appendix 5.30

### Monmouthshire County Council (MCC) Environmental Health Officer reply to Pre-order consultation – 7<sup>th</sup> December 2021