

Application for a Modification Order, Quakers Yard.

1. An application has been received to add a footpath to the Definitive Map and Statement of the former County Borough of Merthyr Tydfil as shown by a dashed black line on the plan marked Document 1 in the attached bundle.
2. The Claimed Right of Way runs from a kissing gate on the Boundary of the former County Borough where Public Footpath No. 25 Caerphilly ends, as shown by Point E on the plan at Grid Reference ST10339645 and proceeds in a west-south-westerly direction across O.S. field No. 2847 and through a second kissing gate for 99 metres to Point D at Grid Reference ST10239643 where it turns and runs in a southerly direction for 38 metres to Point C at Grid Reference ST10229639 thence in a general south-westerly direction for 116 metres to Point B at Grid Reference ST10129634 and finally in a general westerly direction for 128 metres to Point A at Grid Reference ST09999635 a total distance of 381 metres or thereabouts.
3. In support of the application the County Council has received 17 Evidence Forms marked as Documents 2 to 18, 11 of which have been completed by people who have used the route regularly over periods ranging from 20 to 65 years. These persons have been interviewed and a summary of the notices of the evidence and the comments thereto are contained in Schedule 1 marked Document 19.
4. In addition whilst interviewing people who have completed Evidence Forms for other claimed paths in the area Andrew Mason was provided with further information from two members of the public who had not completed evidence forms for this path but whose knowledge of the claimed right of way is considerable. A summary of the information is contained in Schedule 1A (Document 20).
5. Notification of the application for the Modification Order Document 21 has been sent to the landowners Mr. and Mrs. M.A.Jarrold, Park Farm, Nelson and to the owners of numbers 83, 86, 87 and 90 - 93 Ty Llwyd Parc (Documents 21A - 21G). When contacted Mr. & Mrs. Jarrold indicated that they did not object to the original line of the claimed path but were unwilling to accept the route should it be diverted. No replies have been received from any of the other landowners.
6. However a complication has arisen in that during a site inspection it was discovered that the western part of the Claimed Right of Way has now been built over and a Diversion Order must be processed to run concurrently with the Modification Order. Plan 2 marked Document 22 shows the Claimed Right of Way by a solid black line and the possible alternatives coloured red, purple and green respectively.
7. The route shown coloured red begins in the yard area of the former farm buildings and runs in a northwesterly direction to a stile and thence along a tarmacadam path which was provided when housing was erected in O.S. Field Number 2353. This path is not maintained by the highway authority.
8. The alternative path shown coloured purple on Document 22 runs in a southerly direction from Point C on the claimed path along a rough track used by maintenance vehicles servicing the television mast in O.S. Field Number 2847. A gate is positioned at Point J but this cannot be used as it must remain locked at all times under the terms of an agreement between the landowner and television company. Should all parties agree to this route it would be necessary to erect a stile or Kissing Gate at this point to allow access onto the estate road.
9. The final alternative shown by a green line on Document 22 would extinguish the whole of the claimed path and divert part of Footpath 25 Caerphilly in a south westerly direction to an estate link path and then along an estate footway to where the Section 38 Agreement ends.
10. In accordance with the provisions of Schedule 14 of the Wildlife and Countryside Act 1981 consultation has taken place with the Merthyr Tydfil Borough Council who support the application for the claimed right of way. No Community Council exists for this area.

11. Further consultations Documents 23A to 23D have been remitted to the local member, county planning officer, landowner and applicant requesting that they forward their comments on the proposals within 28 days so that these may be taken into consideration when the application is being determined. Document 24 is the reply from the County Planning Officer who has raised no objection to the proposal whilst Document 25 is the reply received from the landowner. Whilst not objecting to the original line of the claimed path the landowner would object to any diversion of this route because a link path has been included within the plans for the Oaks estate she feels there are too many paths being created in the area. The local member has welcomed the proposals having lived in the area all his life and the applicant had no further comments to make.
12. An extract from the 1st Edition Ordnance Survey Map 1879 Scale 1:2500 is contained within the bundle marked Document 26.

On the basis of the above and the evidence compiled in the bundles submitted to members, members are asked to:

- a) determine the application before them
- b) determine the need for a diversion/extinguishment order to run concurrently with the Modification Order and if necessary which line the alternative path should take.