

## Application to modify the Definitive Map of Public Rights of Way under Section 53B, Wildlife and Countryside Act 1981.

<b>File Reference</b>	53B-010
<b>Definitive Map path reference</b>	Barry No.72
<b>Description of intended effect on the Definitive Map</b>	The addition of a footpath from Public Right of Way No.72 Barry (southern end) to Romilly Park Road.
<b>O.S. grid ref.</b>	309657 166949 to 309958 166912
<b>Address / postcode</b>	Romilly Park Road CF62 6RR
<b>Nearest Village/Town</b>	Barry
<b>Locally known name</b>	-
<b>Community / Town Council</b>	Barry
<b>Applicant</b>	Mr. and Mrs. Harvey
<b>Date of application</b>	07.04.2010
<b>Date of receipt of application</b>	07.04.2010
<b>Date when representation made to the National Assembly in accordance with 3(2) of Schedule 14 WCA 1981. As notified by the applicant.</b>	May 2011
<b>National Assembly's decision and terms of direction</b>	The decision was not to issue a direction
<b>Date set for determination of application</b>	16.07.2012
<b>Date on which the Authority determined the application</b>	16.07.2012 and returned 02.04.2014
<b>Decision</b>	To proceed with making a Definitive Map Modification Order to record the application route A-B-C as a public path.
<b>Date when notice of appeal served on the National Assembly and the Authority in accordance with paragraph 4(1) of Schedule 14 to the WCA 1981.</b>	-
<b>Date / time and venue of any proposed hearing or inquiry.</b>	Tuesday 17 <sup>th</sup> January, 2017 at 10 am The Boardroom, Docks Office, Barry, CF63 4RT.
<b>National Assembly's decision and terms of direction.</b>	The Order is confirmed with modifications
<b>Date of confirmation of order and details of any modification made.</b>	Order confirmed 3 <sup>rd</sup> February, 2017 Modifications: <ul style="list-style-type: none"> <li>• In the title of the Order and in the preamble to the Order, delete '14<sup>th</sup> September 1954' and insert '15<sup>th</sup> March 2016'.</li> <li>• In the preamble to the Order, delete '53(2)(a)' and insert '53(2)(b)'.</li> </ul>

Continued overleaf

Related documents attached:

Application  
Map  
Statement by Applicant

Please contact:

Public Rights of Way Section  
Vale of Glamorgan Council  
The Dock Offices  
Subway Road  
Barry  
Vale of Glamorgan  
CF63 4RT  
Email.sathomas@valeofglamorgan.gov.uk

# Wildlife and Countryside Act 1981

## Notice of application to modify the Definitive Map and Statement for the former County of Glamorgan, Relevant date 14<sup>th</sup> September, 1954.

To: The Vale of Glamorgan Council

Of: The Civic Offices, Holton Road, Barry, CF63 4RU

We :- BJ Harvey & BC Harvey

Of :- 

hereby apply for an order under section 53(2) of the Wildlife and Countryside Act 1981 modifying the definitive map and statement for the area by -

adding a footpath

from - Southern end of Footpath 72 Barry.

Grid Ref – ST 09863 66949

to – Romilly Park Road Barry.

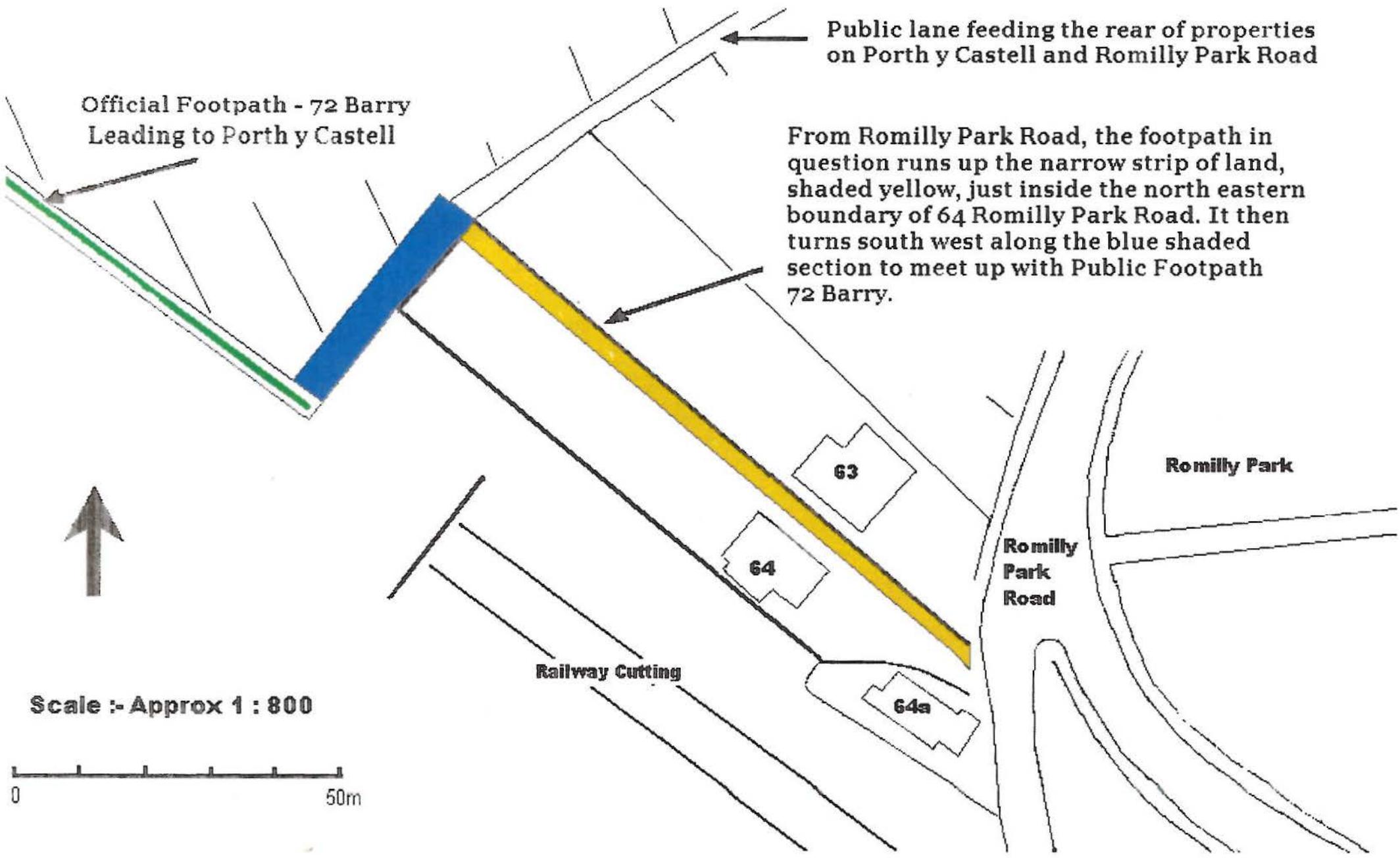
Grid Ref – ST 09963 66922

with a width of Approx 1 Metre. (Single File throughout) and shown on the map annexed hereto.

We attach copies of the documentary evidence ( including statements of witnesses) set out overleaf, in support of this application.

Dated... 7<sup>th</sup> April 2010 ..... Signed... 

AP 01



## Notes on Application to Modify the Definitive Map

This application concerns the footpath that runs from the edge of Porthkerry Park through the Garden Suburb and down to Romilly Park Road. The greater part, "Official Footpath 72 Barry" is on the Definitive Map but the two southern most sections, shown shaded on the accompanying map, are not. During the 20 years prior to its closure on 09/03/10 the public were at no time barred from using them.

Attachment 1 - Map

### Historical Information

The path's origins are uncertain but there is very little doubt that the present form came about with the development of the Garden Suburb which began in 1915. The Garden Suburb was built to provide housing for Railway Workers. For the greater part of its length the path runs directly above the railway tunnel but has a dog leg at the southern end to get past the tunnel opening and railway cutting. It was the principal pedestrian route for the railway workers from the suburb to get to the station. Local lore has it known as "the ash path".

- a) It is worth drawing attention to two aerial photographs taken in 1930 which show the line of the path.

Attachment 2/3 - Aerial photographs

- b) Again, Ordnance Survey and other maps clearly show a path running down to Romilly Park. The extract attached is from - OS Glam L7 & L11, Revision 1936. 1:2500 Scale. The symbols used to designate paths can be seen very clearly.

Attachment 4 – Extract of OS Map

- c) On the 4<sup>th</sup> of January 1984 the "Official Footpath 72 Barry" was added to the Definitive Map. The legal document relating to this includes a map which again shows a footpath leading down from the end of "72 Barry" to Romilly Park Road. The applicants hold a copy of this document. The original is held in the Vale Planning department.

Attachment 5 – Extract from Map

- d) The Land Registry Title Number :- WA830126 dated 30/05/97 has an accompanying Land Registry Filed Plan showing the footpath.

Attachment 6– Land registry Title/Plan

- e) Scrutiny of the "Official Footpath 72 Barry" files held by the Vale of Glamorgan Public Rights of Way Department reveals an overwhelming amount of evidence confirming the existence and use of these two sections of the footpath.

In the 80s, evidence of use over the previous 20 years of the whole path from Westward Rise to Romilly Park Road, provided by witnesses, was accepted. The local authority were empowered to acquire legal rights over the whole of the path. A letter from the County Engineer Highways and Estates, South Glamorgan, to the County Solicitor dated 23/01/84 is quite clear on this. In the event, the local authority failed to include sections B-C and C-D. This created the anomaly of the "Footpath 72" Cul de Sac.

Attachment 7/8 – Copy of letter/map

**Referring to the individual sections shown on attached map.**

The path was originally wider but due to encroachment, is now quite narrow – no more than single file on both sections. This applies for the whole of “Footpath 72 Barry”.

**Lower Section (shaded yellow)**

The narrow strip of land over which the footpath runs, lies just inside the North East boundary of 64 Romilly Park Road. It was not part of the original development of that property but was purchased as a separate entity at a later date. The conveyance relating to this purchase, CYM 89549 dated 27/11/1975, between (1) The Welsh Town Planning and Housing Trust Ltd and (2) Vincent Charles Williams contains restrictive covenants which include a specific reference to a Footpath. See attached Extract from an Official Copy of that Conveyance. The applicants have an Official Copy, a copy of which has been passed to the Vale Planning Department.

**Attachment 9 – Extract from Conveyance**

The above restrictive covenants are still in place and are included in the conveyance, CYM 394000 dated 4/04/2008, between (1) Vincent Charles Williams and Mary Francis Williams and (2) Peter John Walden and Joan Walden; the present owners.

An Official Certificate of a “Search of the Index Map” Ref No :- 113/Z65ZAJB is attached.

Items 6 and 7 of “C Charges Register” refer to the strip of land in question.

**Attachment 10 - Official Certificate**

For many years this section of the path ran adjacent to the whole of the South West boundary of 63 Romilly Park Road right down to the road. It was fenced on both sides and had a footpath signpost at the bottom. After 64 Romilly Park Road was built the path ran between the two properties. Not so long ago the bottom section of the path was tarmacked over to form a common forecourt to 63 and 64 and at that time the signpost was moved up about 25 metres but very shortly after was removed altogether.

After the forecourt was built, access became problematical. Many people felt uncomfortable at crossing this open area of private property and in any case the path had become less obvious as there is now a tree obscuring it from the road. The path was previously kept clear by the local authority but this is no longer the case, and it has become seriously overgrown. However, until the landowner closed the path on 09/03/10 it was passable with care.

This photograph taken from Romilly Park Road, prior to closure, illustrates the difficulty faced by walkers.

64

63



The path runs just to the left of the fence and then between the two houses. This had proved very discouraging for many people.

This strip of land is also the route of a sewage pipe that runs down from the Garden Suburb.

### Upper Section (shaded Blue)

From the northern end of the lower section, the path runs south west for about 30 metres to meet up with the public footpath, 72 Barry. This section is much wider.

A Land Registry Search has been carried out. A copy of document detailing the search request is attached.

Official Certificate Ref :- 150/X19EEJB is attached.

The land is not registered.

**Witness Statements**

**These were distributed with a small map illustrating the path with a note stressing the importance of accuracy. A copy of this is attached.**

**The majority of the statements cover the whole of the 20 year period required. A few go back as far as the 40s and 50s.**

**There are amongst them written statements concerning various aspects of the path and its use.**

**Attachment 13 – Witness Statement Map**



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Parc Cathays  
Caerdydd  
CF10 3NQ

Crown Buildings  
Cathays Park  
Cardiff  
CF10 3NQ

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[www.planning-inspectorate.gov.uk](http://www.planning-inspectorate.gov.uk)

B Harvey



Eich Cyf / Your Ref:

Ein Cyf / Our Ref: 515481

Dyddiad / Date: 10 June 2011

Dear Sir

**WILDLIFE & COUNTRYSIDE ACT 1981  
REQUEST FOR A DIRECTION UNDER SCHEDULE 14, PARAGRAPH 3 (2)  
ROMILLY PARK ROAD, BARRY TO RIGHT OF WAY, BARRY 72**

I refer to your request for a direction in accordance with paragraph 3(2) of Schedule 14 to the Wildlife and Countryside Act 1981, requiring the Vale of Glamorgan County Council to determine the above application submitted to them on 5 May 2010.

The Vale of Glamorgan County Council has been consulted as required by the Act.

In considering whether, in response to a request under paragraph 3(2) of Schedule 14 to the Wildlife and Countryside Act 1981, the Council should be directed to determine an application within a specified period, we take into account any statement of priorities made by the Council setting out its priorities for bringing and keeping the definitive map up to date, the reasonableness of such priorities, any action already taken by the Council as expressed intentions of further action on the application in question, the importance of the case in relation to others and any views expressed by the applicants.

The Council has informed us that during a period of staff shortages in 2010 a backlog of rights of way work accumulated and, as a result, work on this particular application has been delayed. They have confirmed however, that research and the drafting of an investigation report is currently being undertaken with regard to this particular application and the Council are aiming to issue the draft report to all interested parties for comment at the beginning of June. Providing that no further evidence is presented that will require additional research, the Council has confirmed that the application will be determined during August 2011.

As the Council appear to be actively working on this application and have provided a reasonable timetable for its determination, it is considered that additional time be allowed for the application to be considered.

We have taken into consideration both the response of the Vale of Glamorgan County

*Rydym yn Croesawu Gohebiaeth yn Gymraeg a Saesneg*

*We Welcome Communications in Welsh and English*

Council and the information you have submitted. Your application has been considered in light of the above and it has been decided not to issue a direction to the Vale of Glamorgan County Council requiring them to determine your application within a specified time. Should the application not be determined by the date proposed however, we will request a further explanation from the Council.

A copy of this letter is being sent to the Vale of Glamorgan County Council.

Yours sincerely

*Helen Sloman*

Authorised by the Welsh Ministers