



Report of the Head of Planning and Economic Regeneration

Planning Committee – 3 October 2023

Application to Add Footpaths to Definitive Map, Cwm Level Road, Landore

Purpose:	To consider whether to accept or reject an application made to this Authority to make a Modification Order to add a footpath running from Cwm Level Road to Dinas Street and thus recording as such on the Council's Definitive Map of Public Rights of Way.
Policy Framework:	Public rights of way statutory function.
Consultation:	Legal, Finance and Access to Services and all the statutory consultees, including local members, landowners and the prescribed organisations.
Recommendation(s):	It is recommended that: 1) The Council dedicates the two footpaths on its land as public footpaths, as shown on the attached map.
Report Author:	Chris Dale
Finance Officer:	Adele Harris
Legal Officer:	Debbie Smith
Access to Services Officer:	Catherine Window

1.0 Background

- 1.1 The definitive map and statement is the legal record for all registered public rights of way (footpaths and bridleways) in the City and County of Swansea. Swansea Council is responsible for ensuring the definitive map correctly records the public rights of way shown on it.
- 1.2 Under the Wildlife and Countryside Act 1981 the public can apply to the Council to have the definitive map and statement modified if they consider there is an error on the map or statement, or, more commonly, a right of way is missing from the records. A copy of the relevant legislation can be found in appendix 5.

1.3 Swansea Council is responsible for maintaining and protecting all 405 miles of public rights of way within the City and County.

2.0 The application

2.1 On 12 November 2019 the Council received an application for a modification order to add two footpaths to the definitive map between Cwm Level Road and Dinas street, Plasmarl, as shown on the map below.



- 2.2 The application was submitted along with six evidence forms from members of the public detailing their use of the paths for up to 46 years. The evidence forms can be seen in appendix 4. For the reasons outlined below, the names and addresses on the forms have been redacted for this case.
- 2.3 One of the evidence forms describes the route between A and B being blocked 'a few years ago'.
- 2.4 The footpaths cross land in the ownership of Swansea Council.

3.0 Investigation

- 3.1 The site was inspected by members of the Countryside Access Team in November 2019 and evidence of a well-trodden path was found between the points D-B-C on the above map. The obstruction was also seen between points A and B, as were concrete bollards and the gap in the highway fence next to Cwm Level Road, which indicate that the Council acknowledged the existence of these routes. Photographs taken on the day of inspection can be found in appendix 1.
- 3.2 Aerial photos. See appendix 2.
- 3.3 1981. The aerial photograph dated 1981 a path can be seen crossing the land between points A and C. However, this is on a slightly different alignment to the path constructed in 1992.
- 3.4 1992. The path A-B-C can be clearly seen on the aerial photograph dated 1992, at which point it seems that the path has recently been constructed as part of a reclamation scheme.
- 3.5 2005. The path A-B-C can clearly be seen on the aerial photograph dated 2005. The path C-D can also be seen.
- 3.6 2009. Both paths can also be seen on the aerial photograph dated 2009.
- 3.7 2013. By 2013 the site has become densely covered in trees and other vegetation and only the path between points B and C can clearly be seen in the aerial photograph.
- 3.8 Ordnance Survey maps. See appendix 3.
- 3.9 1916 to 1970. Four editions of the Ordnance Survey map show a track from Cwm Level Road to Dinas Street. This track is on a similar alignment to the claimed footpath A-B-C.
- 3.10 2022. The modern OS map shows the two claimed routes A-B-C and B-D as unmetalled (unsurfaced) paths.

4.0 Conclusion

- 4.1 Looking at the Ordnance Survey maps and aerial photographs it appears that there has been a path or track along more or less the same route across the site for at least a hundred years.

- 4.2 It also appears that, in 1992, Swansea City Council constructed a footpath across the site corresponding approximately with one of the footpaths that have been applied for (A-B-C on the above map).
- 4.3 Although the number of people submitting evidence for these paths is relatively small, when the routes were inspected in 2019, it was clear that the route D-B-C was well used. The route between A and B was obstructed when inspected, as suggested in one of the evidence forms. It was obvious that this obstruction had been in place for some time, and therefore there was little evidence that this part of the route was being used.
- 4.4 Given that the aerial photographs from 2005 and 2009 clearly show a well-used path between points A and B, but the aerial photograph in 2013 indicates that the path had fallen into disuse, it is assumed that this part of the route was blocked at some point between 2009 and 2013.
- 4.4 The evidence suggests that, not only has there been a footpath across this land for a very long time, but that the City Council intended to retain the footpath, and improve it, as part of the reclamation works that took place on this land over 30 years ago.
- 4.5 Given the above evidence Corporate Property have agreed that the footpaths could be dedicated to the public. This would be in keeping with Council policies on Active Travel and Safe Routes to School. Should the site be developed at some point in the future the footpaths can be altered to accommodate the development.
- 4.6 In order for the Council to dedicate the footpaths to the public the applicant for the modification order must withdraw their application. The applicant has agreed to do this on the understanding that the footpaths will be dedicated to the public by the Council.
- 4.7 Once the footpaths become public, minor works can be undertaken to reinstate the blocked route between points A and B, install some steps between points B and D and put the footpaths on the Council's annual vegetation clearance list.

5.0 Equality and Engagement Implications

- 5.1 The Council is subject to the Equality Act (Public Sector Equality Duty and the socio-economic duty), the Well-being of Future Generations (Wales) Act 2015 and the Welsh Language (Wales) Measure, and must in the exercise of their functions, have due regard to the need to:
- Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Acts.
 - Advance equality of opportunity between people who share a protected characteristic and those who do not.
 - Foster good relations between people who share a protected characteristic and those who do not.
 - Deliver better outcomes for those people who experience socio-economic disadvantage
 - Consider opportunities for people to use the Welsh language
 - Treat the Welsh language no less favourably than English.
 - Ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs.

- 5.2 The Well-being of Future Generations (Wales) Act 2015 mandates that public bodies in Wales must carry out sustainable development. Sustainable development means the process of improving the economic, social, environmental and cultural well-being of Wales by taking action, in accordance with the sustainable development principle, aimed at achieving the 'well-being goals'.
- 5.3 Our Integrated Impact Assessment (IIA) process ensures we have paid due regard to the above. It also takes into account other key issues and priorities, such as poverty and social exclusion, community cohesion, carers, the United Nations Convention on the Rights of the Child (UNCRC) and Welsh language.
- 5.4 An EIA Screening Form has been completed with the agreed outcome that a full EIA report was not required as all of our paths are free to use and available to people of all ages, any sexual orientation, marital status, religious belief, financial status or race. The Council has to consider the modification order application.

6.0 Financial Implications

Notice of the dedication must be published in a local newspaper. The cost of this will be approximately £1500, and in Wales (but no longer in England) the Authority has to bear the cost of placing the notice in the newspaper.

Background Papers: None

Appendices:

Appendix 1	Aerial photos
Appendix 2	Ordnance Survey maps
Appendix 3	Evidence forms
Appendix 4	Section 53 of the Wildlife and Countryside Act 1981

Appendix 1 Site photographs



Route looking from point C towards point B



Route leaving Cwm Level Road at point D towards point B



Obstruction and concrete bollards near Cwm Level Road between points A and B

Appendix 2 Aerial photos



Aerial photo 1981



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Aerial photo 1992



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cdata 2022. Arolwg Ordnans 100023509

Aerial photo 2005



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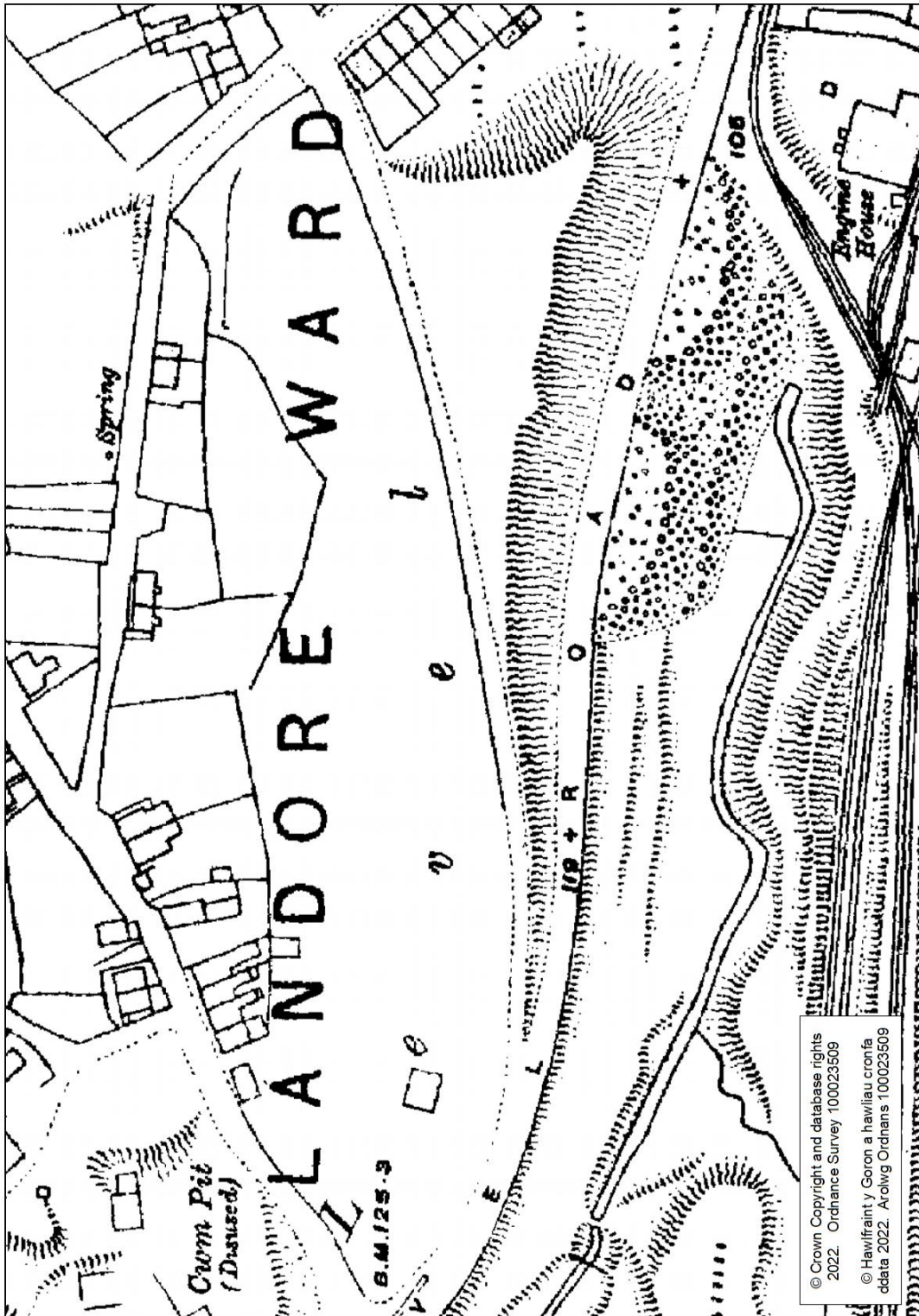
Aerial photo 2009



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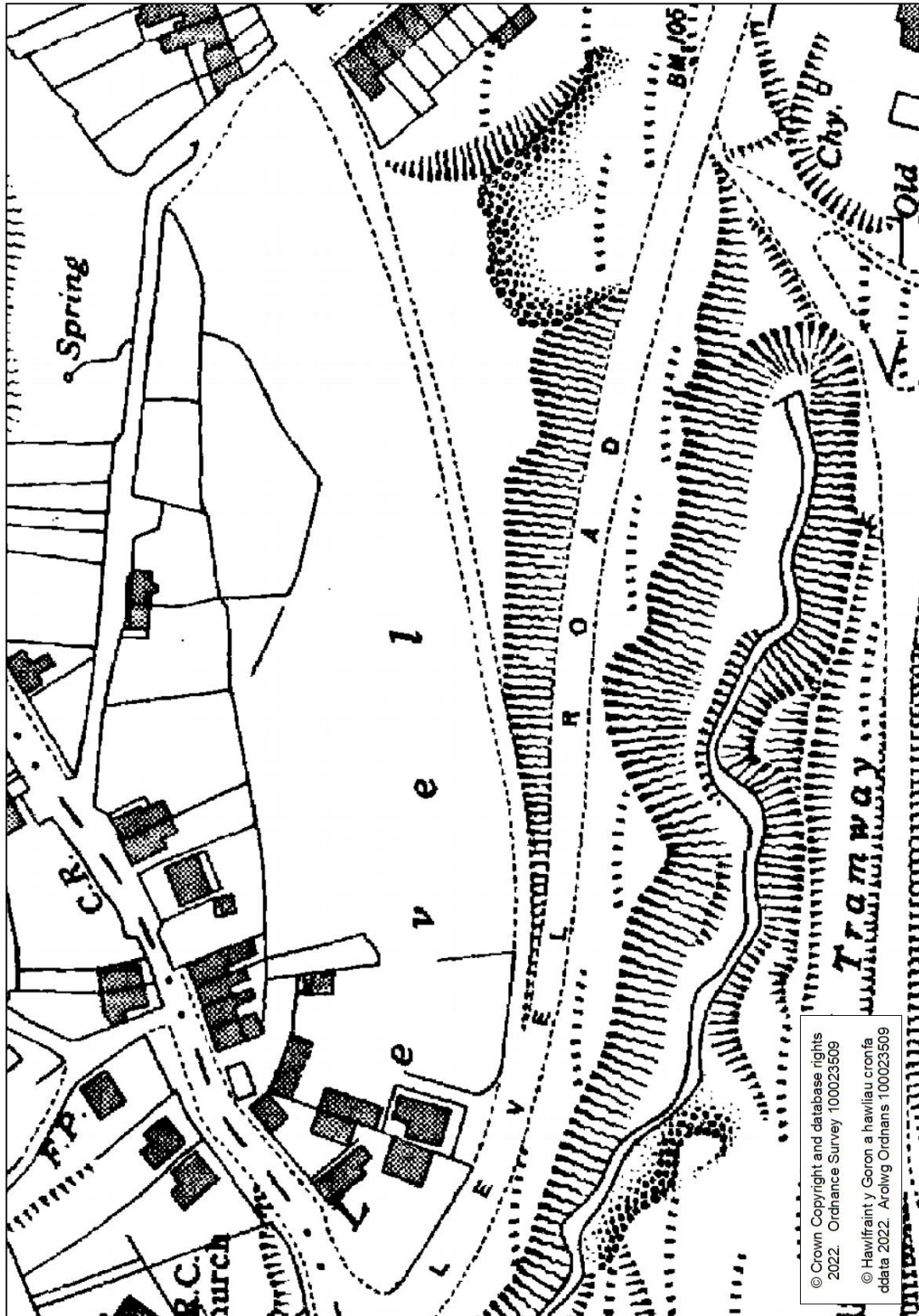
Aerial photo 2013

Appendix 3
Ordnance Survey maps (1:1000 scale)

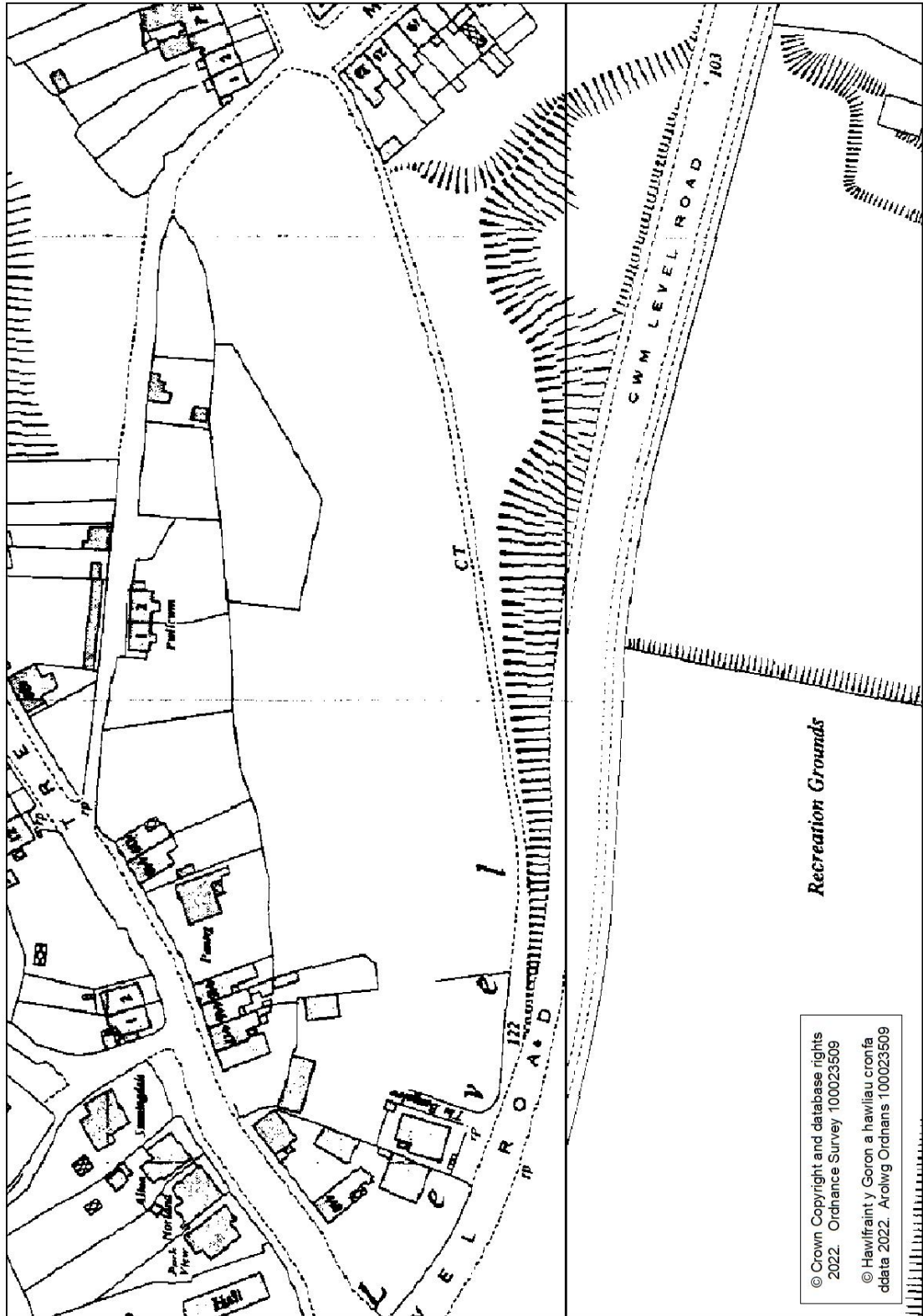


Ordnance Survey Map circa 1916.

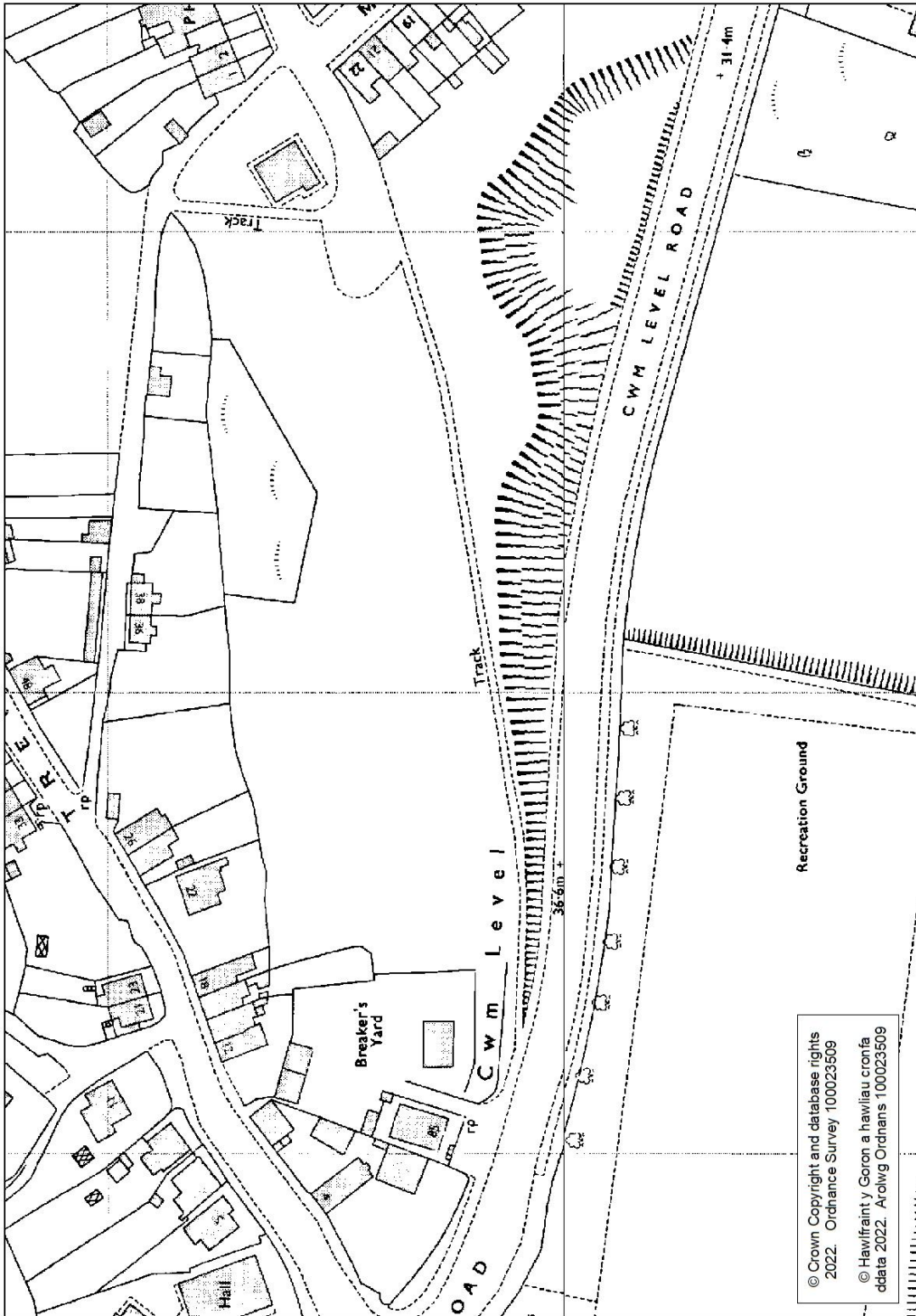
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Ordnance Survey Map 1940.



Ordnance Survey Map 1960.



Ordnance Survey Map 1970.



Ordnance Survey Map 2022

Appendix 4 Evidence statements

1.



Legal, Democratic
Services and BI
12 NOV

RECEIVED

Public Right of Way User Evidence Statement

This statement should be completed and returned to the person making the application so that it can be submitted with or form part of an application seeking a change to the Definitive Map and Statement of Public Rights of Way.

This statement is intended to provide preliminary evidence about the application. When the City and County of Swansea commences detailed research, an officer may contact you to seek further information or ask you to be interviewed about your evidence.

This statement is designed to help establish whether or not the route being claimed in the application is a public right of way. It also provides evidence of how it is used (for example on foot, on horseback, by vehicles etc).

You should answer the questions as fully as possible and not keep back any information, whether for or against the public claim. This is important if this information is to be of real value in establishing the status of the application route. The information given may be examined at a public inquiry.

This statement should be completed by one person only and should relate to only one route. If you need more space please continue on a separate sheet which will need to be attached to this statement.

If completing the statement by hand, please ensure it is written legibly and in black ink.

Confidentiality — Please Read Carefully

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- If the City and County of Swansea proceeds with the application but it is contested (for example by a landowner), there may be a public inquiry. This will be held locally and if you are unable to attend your evidence will be given in writing, but user evidence is of much greater value if you attend in person and are prepared

to answer questions about it. Inquiries are kept as informal as possible and the City and County of Swansea will help you with the procedure.

DECLARATION

Swansea Council is the data controller for the personal information you provide on this form. Your information will be used to provide you with the service that you have requested and will not be used for any other purpose. We will not share your data with any third parties without your explicit consent unless we are required or permitted to do so by law.

Data protection law describes the legal basis for our processing your data as necessary for the pursuit of our legitimate interests. For further information about how Swansea Council uses your personal data, including your rights as a data subject, please see our corporate [privacy notice](#) on our website.

Please print your name here

Telephone Number

Email Address

Statement of Truth

I BELIEVE THAT THE FACTS AND MATTERS CONTAINED IN THIS STATEMENT ARE TRUE AND I HAVE READ THE DECLARATION ABOVE

Your Signature:

Date:

You should keep a copy of the completed statement

Warning: If you dishonestly enter information or make a statement that you know is, or might be, untrue or misleading, and intend by doing so to make a gain for yourself or another person, or to cause loss or the risk of loss to another person, you may commit the offence of fraud under section 1 of the Fraud Act 2006, the maximum penalty for which is 10 years' imprisonment or an unlimited fine, or both.

Information on this page of the Statement will be redacted and not made publically available

PUBLIC RIGHT OF WAY USER EVIDENCE STATEMENT

ABOUT YOU

PLAISMARL,
SWANSEA
.....
.....
..... Postcode ..
Year of Birth 1946

Have you lived at any other addresses during the time you have used the path or way? If so, please provide details and years. Full addresses are not required.

NO

ABOUT THE APPLICATION ROUTE

How do You think the application route should be recorded?

- As a footpath (public rights on foot only)
- As a bridleway (public rights on foot and on horseback r bicycle)
- a As a restricted byway (public rights on foot, on horseback or any non-motorised vehicle)
- a As a byway open to all traffic (public rights for all classes of use, including motor vehicles)

Describe the application route (include start and finish points and provide OS grid references if you can)

THE FOOTPATH STARTS AT THE TOP OF MILLBROOK ST. / DINAS STREET AND GOES ACROSS THE FIELD TO COME OUT AT CWM LEVEL RD. IT USED TO GO ALL THE WAY TO HUNTS SCRAP METAL (NOW CAR SHOWROOM) IT ALSO GOES UP THE SIDE OF N° 1 DINAS ST. ACROSS TO MAP OF THE APPLICATION ROUTE THE LEFT AND COMES OUT ON THE LOWER PART TRENYDDFA RD.

Please attach an extract from a map of your own choice to identify the route you are providing evidence about, and annotate it with anything you provide details about in this statement. Please sign and date your map.

YOUR USE OF THE APPLICATION ROUTE

1 . In which years did you use the application route?

From Feb 1973 To DATE

Were there any extended periods during which you did not use the route at all? If so, please state when and why?

THE LOWER END COMING OUT BY THE CAR SHOW ROOM WAS BLOCKED OFF A FEW YEARS AGO BY THE GARAGE SO HAD TO GO DOWN THE BANK ONTO CWM LEVEL

2. How did you use the application route and how often? Please tick any that apply.

	Daily	Weekly	Monthly	Every few months	Once a year	Other (please describe)
On foot						
On horseback						
By pedal cycle						
By car						

Other [please specify]						
---------------------------------	--	--	--	--	--	--

3. Has the application route always followed the same course?

Yes If no — how and when was

the route altered?

SEE * ABOVE

5. Approximately how wide is the application Please give your estimate of the width across which you used the route including the width used when passing others or walking with others. Take care to consider the overall width of the route. If this varies, please describe how, or please state 'Don't know'.

IT IS A WIDE PATH AND PEOPLE CAN PASS. TREES WERE PLANTED A FEW YEARS AGO BUT THE PATH IS STILL THERE.

describe how, or please state 'Don't know'.

6. What type of surface does the application route have? (for example grass, gravel, earth)

GRASS EARTH

7. Have there ever been any of the following on the application route?

a. Stiles. State locations and show on your map.

~~N/A~~ LARGE BARRIERS BEFORE GARAGE.

How long were they in place?

~~N/A~~ STILL THERE

b. Gates. State locations, indicate whether locked — and when - and show on your map.

N/A NOT LOCKE OVERGROW & UNABLE TO MOVE THEM

c. Other barriers. State what they were and location, how long they were in place and show on your map.

N/A

8. Did any of the above prevent you from using the application

Yes

If yes, please give details

YOU CANNOT WALK ALL THE WAY OVER AND COME OUT BY THE GARAGE!

9. Have you ever seen any signs or notices suggesting whether or not the application route is a public right of way? (for example "Private", "Keep Out", No Right of Way "Trespassers will be Prosecuted")

a Yes

a Don't know

No

If yes — state when and give details, including when they were present and mark their location on your map

10. Have you seen other people using the application route whilst you have been using it?

Yes

If yes, please provide any additional information about this

~~If yes, please provide any additional information about this~~
IT HAS BEEN A REGULAR ROUTE FROM PLATSMARK TO CWM LEVER ALL THE YEARS I HAVE LIVED THERE INCLUDING D.C. ATWELLS MANY YEARS AGO WHO CARRIED THEIR COFFINS FROM DINAS ST. TO BRYNHFRYD.

11. Were you working for any owner or occupier of land crossed by the application route at the time when you used it, or were you then a tenant / licensee of any such owner?

No

a Yes

If yes, provide details and dates

12. Did the owner or occupier ever give you permission (or did you seek permission) to use the application route?

No a Yes

If yes,

a. From whom?.....

b. When?.....

13. Has anyone ever told you the application route was not public (including by an owner, tenant of th and or by anyone in their employment)?

No a Yes

If yes, by whom and when?

14. Have you ever been stopped or turned back when using the application route?

No a Yes

If yes, please give details including when this happened

15. Has anyone else ever told you that they were prevented from using the application route?

a No Yes

If yes, please give details including when this happened

ONLY BY THE FENCE AT THE ~~GRASS~~
GARAGE

16. Have you ever had a private right to use the application route? (for example, an easement, private right of access, licence, etc)

No

a Yes

If yes, please give full details, including who gave the permission, why and when

Other Information

17. Do you have, or do you have knowledge of, any documentary evidence which is relevant to the application route or which indicates public use? (for example photographs, guidebooks, letters, sale documents, old maps, etc)

a No

Yes

If yes — please provide details

THE ONLY THING I HAVE IS AN AUWINDAN SURVEY MAP WHICH DATES 1800+

18. Please give any further information which you consider would be helpful in reaching a decision as to whether the application route should be recorded as a public right of way? Continue on a separate sheet if necessary. If you wish to provide a separate sketch map, please do so and attach to this statement.

WE HAVE ALWAYS USED THIS AND IS STILL USED VERY BUSY WITH CHILDREN, ADULTS, DOG WALKING AND TO GET TO CWM LEVE PARK, BRYNHYFRYD AND THE BUS STOP AT THE BOTTOM OF TRENDDFA ROAD

19. During the investigation the City and County of Swansea may want to interview some or all of the claimants in order to gather additional information. Would you be willing to talk to an officer from the City and County of Swansea about your knowledge of the application route?

20. Would you be willing to attend a hearing, or public inquiry to give evidence if necessary?

Yes

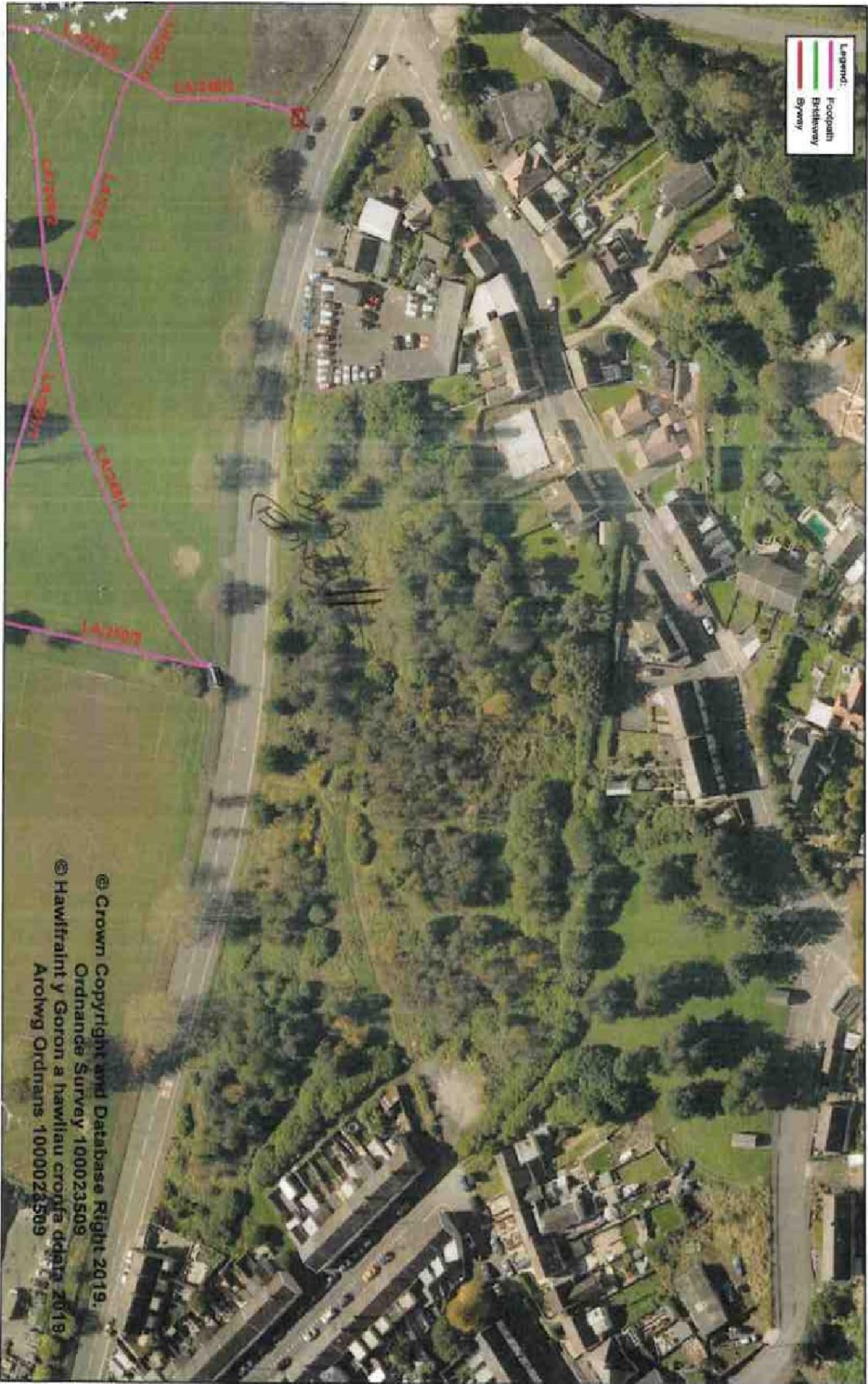
Please return this form to:

Legal Services, Civic Centre, Swansea, SA1 3SN

Legend:	
	Footpath
	Sideway
	Byway



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 Ordnance Survey 100023509
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 Arolwg Ordians 1000023509



Legend:
Footpath
Footway
Gwynt

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Arolwg Ordnamans 1000023509

2.



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Please print your name here

Telephone Number

Email Address

Statement of Truth

I BELIEVE THAT THE FACTS AND MATTERS CONTAINED IN THIS STATEMENT ARE TRUE AND HAVE READ THE RATION ABOVE

Your Signature:

Date:

You should keep a copy of the completed statement

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Information on this page of the Statement will be redacted and not made publically available

PUBLIC RIGHT OF WAY USER EVIDENCE STATEMENT

LIVED AT ADDRESS FOR 46 YEARS

Year of Birth 08-05-52

Have you lived at any other addresses during the time you have used the path or way? If so, please provide details and years. Full addresses are not required.

ABOUT THE APPLICATION ROUTE

How do you think the application route should be recorded?

- / As a footpath (public rights on foot only)
- As a bridleway (public rights on foot and on horseback or bicycle)
- As a restricted byway (public rights on foot, on horseback or any non-motorised vehicle)
- As a byway open to all traffic (public rights for all classes of use, including motor vehicles)

Describe the application route (include start and finish points and provide OS grid references if you can)

..... 

MAP OF THE APPLICATION ROUTE

Please attach an extract from a map of your own choice to identify the route you are providing evidence about, and annotate it with anything you provide details about in this statement. Please sign and date your map.

YOUR USE OF THE APPLICATION ROUTE

1. In which years did you use the application

From1973..... To2019.....

2. Were there any extended periods during which you did not use the route at all? If so, please state when and why?

3. How did you use the application route and how often? Please tick any that apply.

	Daily	Weekly	Monthly	Every few months	Once a year	Other (please describe)
On foot		3				
On horseback						
By pedal cycle						
By car						
Other [please specify]						

4. Has the application route always followed the same course?

Yes

If no — how and when was the route altered?

5. Approximately how wide is the application Please give your estimate of the width across which you used the route including the width used when passing others or walking with others. Take care to consider the overall width of the route. If this varies, please describe how, or please state 'Don't know'.

.....
Don't know
.....

6. What type of surface does the application route have? (for example grass, gravel, earth)

.....
GRASS
.....

7. Have there ever been any of the following on the application route?

a. Stiles. State locations and show on your map.

.....
No
.....

How long were they in place?

b. Gates. State locations, indicate whether locked — and when - and show on your map.

.....
none
.....

.....
no
.....

- c. Other barriers. State what they were and location, how long they were in place and show on your map.
8. Did any of the above prevent you from using the application route?

No

If yes, please give details

9. Have you ever seen any signs or notices suggesting whether or not the application route is a public right of way? (for example "Private", "Keep Out", No Right of Way "Trespassers will be Prosecuted")

No

If yes — state when and give details, including when they were present and mark their location on your map

10. Have you seen other people using the application route whilst you have been using it?

Yes

If yes, please provide any additional information about this

.....PEOPLE WALKING.....

Land Ownership

11. Were you working for any owner or occupier of land crossed by the application route at the time when you used it, or were you then a tenant / licensee of any such owner?

No

If yes, provide details and dates

12. Did the owner or occupier ever give you permission (or did you seek permission) to use the application route?

No

If yes,

a. From

whom?

.....

b. When?

.....

13. Has anyone ever told you the application route was not public (including by an owner, tenant of the land or by anyone in their employment)?

No

If yes, by whom and when?

14. Have you ever been stopped or turned back when using the application route?

No

If yes, please give details including when this happened

15. Has anyone else ever told you that they were prevented from using the application route?

No

If yes, please give details including when this happened

16. Have you ever had a private right to use the application route? (for example, an easement, private right of access, licence, etc)

No

If yes, please give full details, including who gave the permission, why and when

7

Other Information

17. Do you have, or do you have knowledge of, any documentary evidence which is relevant to the application route or which indicates public use? (for example photographs, guidebooks, letters, sale documents, old maps, etc)

No

If yes — please provide details

18. Please give any further information which you consider would be helpful in reaching a decision as to whether the application route should be recorded as a public right of way? Continue on a separate sheet if necessary. If you wish to provide a separate sketch map, please do so and attach to this statement.

19. During the investigation the City and County of Swansea may want to interview some or all of the claimants in order to gather additional information. Would you be willing to talk to an officer from the City and County of Swansea about your knowledge of the application route?

Yes

20. Would you be willing to attend a hearing, or public inquiry to give evidence if necessary?

No

Please return this form to:

Legal Services, Civic Centre, Swansea, SA1 3SN

3.



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DECLARATION

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Data protection law describes the legal basis for our processing your data as necessary for the pursuit of our legitimate interests. For further information about how Swansea Council uses your personal data, including your rights as a data subject, please see our corporate [Privacy notice](#) on our website.

Please print your name here

Telephone Number

Email Address

Statement of Truth

I BELIEVE THAT THE FACTS AND MATTERS CONTAINED IN THIS STATEMENT ARE TRUE AND I HAVE READ THE DECLARATION ABOVE

Your Signature:

Date: 22-10-19

You should keep a copy of the completed statement

Warning: If you dishonestly enter information or make a statement that you know is, or might be, untrue or misleading, and intend by doing so to make a gain for yourself or another person, or to cause loss or the risk of loss to another person, you may commit the offence of fraud under section 1 of the Fraud Act 2006, the maximum penalty for which is 10 years' imprisonment or an unlimited fine, or both.

Information on this page of the Statement will be redacted and not made publically available

PUBLIC RIGHT OF WAY USER EVIDENCE STATEMENT ABOUT YOU

Year of Birth 1968

Have you lived at any other addresses during the time you have used the path or way? If so, please provide details and years. Full addresses are not required.

ABOUT THE APPLICATION ROUTE

How do you think the application route should be recorded?

/ As a footpath (public rights on foot only)

As a bridleway (public rights on foot and on horseback or bicycle)

As a restricted byway (public rights on foot, on horseback or any non-motorised vehicle)

As a byway open to all traffic (public rights for all classes of use, including motor vehicles)

Describe the application route (include start and finish points and provide OS grid references if you can)

Top of Millbrook STREET + Dinas STREET
To cur RD

MAP OF THE APPLICATION ROUTE

Please attach an extract from a map of your own choice to identify the route you are providing evidence about, and annotate it with anything you provide details about in this statement. Please sign and date your map.

YOUR USE OF THE APPLICATION ROUTE

1. In which years did you use the application

From 1978 ish. To TO DATE

2. Were there any extended periods during which you did not use the route at all? If so, please state when and why?

Don't know

3. How did you use the application route and how often? Please tick any that apply.

	Daily	Weekly	Monthly	Every few months	Once a year	Other (please describe)
On foot						
On horseback						
By pedal cycle						
By car						
Other [please specify]						

4. Has the application route always followed the same course?

Yes

If no — how and when was the route altered?

5. Approximately how wide is the application route? Please give your estimate of the width across which you used the route including the width used when passing others or walking with others. Take care to consider the overall width of the route. If this varies, please describe how, or please state 'Don't know'.

Don't Know

6. What type of surface does the application route have? (for example grass, gravel, earth)

EARTH

7. Have there ever been any of the following on the application route?

a. Stiles. State locations and show on your map.

NONE

How long were they in place?

b. Gates. State locations, indicate whether locked — and when - and show on your map.

NONE

c. Other barriers. State what they were and location, how long they were in place and show on your map.

8 . Did any of the above prevent you from using the application

No

If yes, please give details

9 . Have you ever seen any signs or notices suggesting whether or not the application route is a public right of way? (for example "Private", "Keep Out", No Right of Way "Trespassers will be Prosecuted)

No

If yes — state when and give details, including when they were present and mark their location on your map

10 . Have you seen other people using the application route whilst you have been using it?

Yes

If yes, please provide any additional information about this

KID'S GOING TO SCHOOL & BACK
DOG WALKERS
AND OTHERS

Land Ownership

11 . Were you working for any owner or occupier of land crossed by the application route at the time when you used it, or were you then a tenant / licensee of any such owner?

Yes

If yes, provide details and dates

12. Did the owner or occupier ever give you permission (or did you seek permission) to use the application route?

No

If yes,

a . From whom?.....

b . When?

13. Has anyone ever told you the application route was not public (including by an owner, tenant of the land or by anyone in their employment)?

No

If yes, by whom and when?

14. Have you ever been stopped or turned back when using the application route?

No

If yes, please give details including when this happened

15. Has anyone else ever told you that they were prevented from using the application route?

No

If yes, please give details including when this happened

16. Have you ever had a private right to use the application route? (for example, an easement, private right of access, licence, etc)

No

If yes, please give full details, including who gave the permission, why and when

Other Information

17. Do you have, or do you have knowledge of, any documentary evidence which is relevant to the application route or which indicates public use? (for example photographs, guidebooks, letters, sale documents, old maps, etc)

Yes

If yes — please provide details

MAP of PLASMARK DATED 21-02-1901
(DEED'S)

18. Please give any further information which you consider would be helpful in reaching a decision as to whether the application route should be recorded as a public right of way? Continue on a separate sheet if necessary. If you wish to provide a separate sketch map, please do so and attach to this statement.

THE COUNCIL HAVE PUT DOWN A PATH
SOME YEARS AGO, BUT HAVE SINCE
TURNED TO LEATH.

19. During the investigation the City and County of Swansea may want to interview some or all of the claimants in order to gather additional information. Would you be willing to talk to an officer from the City and County of Swansea about your knowledge of the application route? YES
20. Would you be willing to attend a hearing, or public inquiry to give evidence if necessary? YES

Please return this form to:

Legal Services, Civic Centre, Swansea, SAI 3SN

4.



Public Right of Way User Evidence Statement

This statement should be completed and returned to the person making the application so that it can be submitted with or form part of an application seeking a change to the Definitive Map and Statement of Public Rights of Way.

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This statement is designed to help establish whether or not the route being claimed in the application is a public right of way. It also provides evidence of how it is used (for example on foot, on horseback, by vehicles etc).

You should answer the questions as fully as possible and not keep back any information, whether for or against the public claim. This is important if this information is to be of real value in establishing the status of the application route. The information given may be examined at a public inquiry.

This statement should be completed by one person only and should relate to only one route. If you need more space please continue on a separate sheet which will need to be attached to this statement.

If completing the statement by hand, please ensure it is written legibly and in black ink.

Confidentiality — Please Read Carefully

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- If the City and County of Swansea proceeds with the application but it is contested (for example by a landowner), there may be a public inquiry. This will be held locally and if you are unable to attend your evidence will be given in writing, but user evidence is of much greater value if you attend in person and are prepared to answer questions about

it. Inquiries are kept as informal as possible and the City and County of Swansea will help you with the procedure.

DECLARATION

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Please print your name here

Telephone Number

Email Address

Statement of Truth

I BELIEVE THAT THE FACTS AND MATTERS CONTAINED IN THIS STATEMENT ARE TRUE AND I HAVE READ THE DECLARATION ABOVE

Your Signature:

Date:

23/10/19

You should keep a copy of the completed statement

Warning: If you dishonestly enter information or make a statement that you know is, or might be, untrue or misleading, and intend by doing so to make a gain for yourself or another person, or to cause loss or the risk of loss to another person, you may commit the offence of fraud under section 1 of the Fraud Act 2006, the maximum penalty for which is 10 years' imprisonment or an unlimited fine, or both.

Information on this page of the Statement will be redacted and not made publically available

PUBLIC RIGHT OF WAY USER EVIDENCE STATEMENT

ABOUT YOU

Name

Address

PLASMARL
SWANSEA

Postcode

Year of Birth 1966

Have you lived at any other addresses during the time you have used the path or way? If so, please provide details and years. Full addresses are not required.

NO

ABOUT THE APPLICATION ROUTE

How do you think the application route should be recorded?

- As a footpath (public rights on foot only) a As a bridleway (public rights on foot and on horseback or bicycle)
- D/As a restricted byway (public rights on foot, on horseback or any non-motorised vehicle)
- As a byway open to all traffic (public rights for all classes of use, including motor vehicles)

Describe the application route (include start and finish points and provide OS grid references if you can)

DINAS BT TO CUM RD

MAP OF THE APPLICATION ROUTE

Please attach an extract from a map of your own choice to identify the route you are providing evidence about, and annotate it with anything you provide details about in this statement. Please sign and date your map.

YOUR USE OF THE APPLICATION ROUTE

1. In which years did you use the application

From1999..... To PRESENT

2. Were there any extended periods during which you did not use the route at all? If so, please state when and why?

3. How did you use the application route and how often? Please tick any that apply.

Daily Weekly Monthly Every Once a Other few year (please describe) months

On foot /

On horseback

By pedal cycle

4. Has the application route always followed the same course?

NO

If no — how and when was the route altered?

You can't get out onto the main Road at either end of the footpath

5. Approximately how wide is the application Please give your estimate of the width across which you used the route including the width used when passing others or walking with others. Take care to consider the overall width of the route. If this varies, please describe how, or please state 'Don't know'.

Don't know

6. What type of surface does the application route have? (for example grass, gravel, earth)
Earth

7. Have there ever been any of the following on the application route?

a. Stiles. State locations and show on your map.

NO

How long were they in place?

b. Gates. State locations, indicate whether locked — and when - and show on your map.

..... NO

c. Other barriers. State what they were and location, how long they were in place and show on your map.

..... NO

8. Did any of the above prevent you from using the application

NO

If yes, please give details

9. Have you ever seen any signs or notices suggesting whether or not the application route is a public right of way? (for example "Private", "Keep Out", No Right of Way "Trespassers will be Prosecuted")

No

If yes — state when and give details, including when they were present and mark their location on your map

10. Have you seen other people using the application route whilst you have been using it?

Yes

If yes, please provide any additional information about this

Land Ownership

11. Were you working for any owner or occupier of land crossed by the application route at the time when you used it, or were you then a tenant / licensee of any such owner?

No

If yes, provide details and dates

12. Did the owner or occupier ever give you permission (or did you seek permission) to use the application route?

No

If yes,

a. From whom?.....

b. When
.....

13. Has anyone ever told you the application route was not public (including by an owner, tenant of the land or by anyone in their employment)?

NO

If yes, by whom and when?

14. Have you ever been stopped or turned back when using the application route?

NO

If yes, please give details including when this happened

15. Has anyone else ever told you that they were prevented from using the application route?

No

If yes, please give details including when this happened

16. Have you ever had a private right to use the application route? (for example, an easement, private right of access, licence, etc)

No

If yes, please give full details, including who gave the permission, why and when

Other Information

17. Do you have, or do you have knowledge of, any documentary evidence which is relevant to the application route or which indicates public use? (for example photographs, guidebooks, letters, sale documents, old maps, etc)

No

If yes — please provide details

18. Please give any further information which you consider would be helpful in reaching a decision as to whether the application route should be recorded as a public right of way? Continue on a separate sheet if necessary. If you wish to provide a separate sketch map, please do so and attach to this statement

19. During the investigation the City and County of Swansea may want to interview some or all of the claimants in order to gather additional information. Would you be willing to talk to an officer from the City and County of Swansea about your knowledge of the application route?

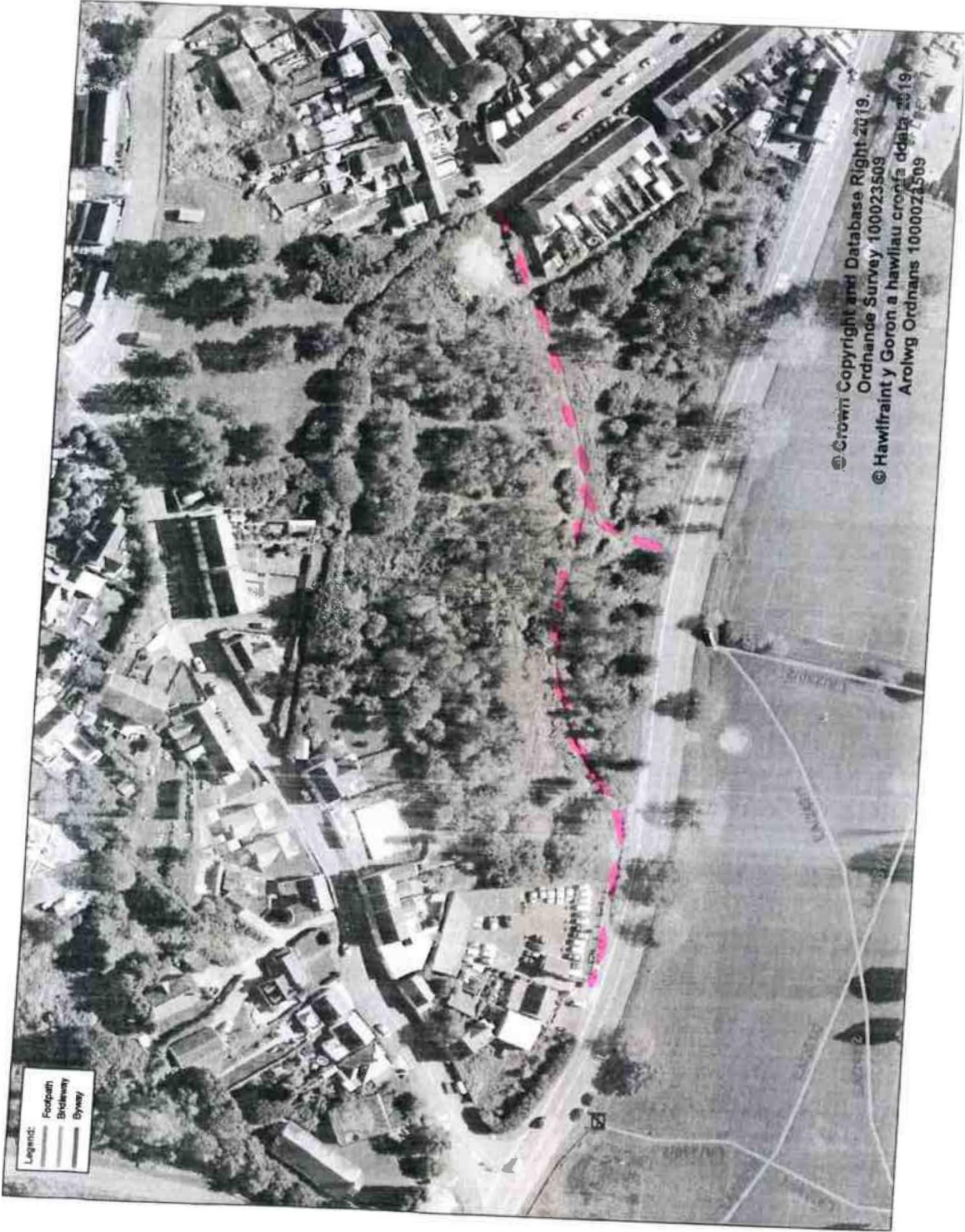
yes

20. Would you be willing to attend a hearing, or public inquiry to give evidence if necessary?

Yes

Please return this form to:

Legal Services, Civic Centre, Swansea, SA1 3SN



Legend:
Footpath
Bridleway
Byway

© Crown Copyright and Database Right 2019.
Ordnance Survey 100023509
© Hawffraint y Goron a hawflau cronfa ddata 2019.
Arolwg Ordnans 1000023509



SALEM ROAD

MILLBRIDGE

CWM LEVEL ROAD

37m

Recreation Ground

© Crown Copyright and Database Right 2019.
Ordnance Survey 100023403
© Hyspwrthiant y Goron a Hawlfaiu croffia ddata-2019.
1000028509

LA251/2

5.



Public Right of Way User Evidence Statement

This statement should be completed and returned to the person making the application so that it can be submitted with or form part of an application seeking a change to the Definitive Map and Statement of Public Rights of Way.

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This statement should be completed by one person only and should relate to only one route. If you need more space please continue on a separate sheet which will need to be attached to this statement.

If completing the statement by hand, please ensure it is written legibly and in black ink.

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Please print your name here

Telephone Number

Email Address

Statement of Truth

I BELIEVE THAT THE FACTS AND MATTERS CONTAINED IN THIS STATEMENT ARE TRUE AND I HAVE READ THE DECLARATION ABOVE

Your Signature:

:22/10/2019

You should keep a copy of the completed statement

Warning: If you dishonestly enter information or make a statement that you know is, or might be, untrue or misleading, and intend by doing so to make a gain for yourself or another person, or to cause loss or the risk of loss to another person, you may commit the offence of fraud under section 1 of the Fraud Act 2006, the maximum penalty for which is 10 years' imprisonment or an unlimited fine, or both.

Information on this page of the Statement will be redacted and not made publically available

PUBLIC RIGHT OF WAY USER EVIDENCE STATEMENT

ABOUT YOU

PLASMARL
SWANSEA

.....Postcode ..

Year of Birth

Have you lived at any other addresses during the time you have used the path or way? If not please provide details and years. Full addresses are not required.

NO

ABOUT THE APPLICATION ROUTE

How do you think the application route should be recorded?

As a bridleway (public rights on foot and on horseback or bicycle)

Describe the application route (include start and finish points and provide OS grid references if you can)

DINAR ST TO CUM RD

MAP OF THE APPLICATION ROUTE

Please attach an extract from a map of your own choice to identify the route you are providing evidence about, and annotate it with anything you provide details about in this statement. Please sign and date your map.

YOUR USE OF THE APPLICATION ROUTE

1. In which years did you use the application

From To

2. Were there any extended periods during which you did not use the route at all? If so, please state when and why?

3. How did you use the application route and how often? Please tick any that apply.

	Daily	Weekly	Monthly	Every few months	Once a year	Other (please describe)
On foot		3				
On horseback						
By pedal cycle						
By car						

Other [please specify]						
---------------------------------	--	--	--	--	--	--

4. Has the application route always followed the same course?

YE

S

If no — how and when was the route altered?

5. Approximately how wide is the application route? Please give your estimate of the width across which you used the route including the width used when passing others or walking with others. Take care to consider the overall width of the route. If this varies, please describe how, or please state 'Don't know'.

Wide enough for group of people to pass each other

6. What type of surface does the application route have? (for example grass, gravel, earth)

Everything in the brackets muddy bit of everything the surface

7. Have there ever been any of the following on the application route?

a. Stiles. State locations and show on your map.

How long were they in place?

NO

b . Gates. State locations, indicate whether locked — and when - and show on your map.

never been any locks.

c . Other barriers. State what they were and location, how long they were in place and show on your map.

NO

8. Did any of the above prevent you from using the application

NO

If yes, please give details

only when it is wet and the floor has been muddy

9. Have you ever seen any signs or notices suggesting whether or not the application route is a public right of way? (for example "Private", "Keep Out", No Right of Way "Trespassers will be Prosecuted")

No

If yes — state when and give details, including when they were present and mark their location on your map

10. Have you seen other people using the application route whilst you have been using it?

Yes

If yes, please provide any additional information about this

dog walkers Bicycle and short cut through
to the park on Cwn Level RD

Land Ownership

11. Were you working for any owner or occupier of land crossed by the application route at the time when you used it, or were you then a tenant / licensee of any such owner?

NO

If yes, provide details and dates

12. Did the owner or occupier ever give you permission (or did you seek permission) to use the application route?

NO

If yes,

a. From whom?

.....

b. When?

.....

13. Has anyone ever told you the application route was not public (including by an owner, tenant of the land or by anyone in their employment)?

No

If yes, by whom and when?

14. Have you ever been stopped or turned back when using the application route?

NO

15. Has anyone else ever told you that they were prevented from using the application route?

No

If yes, please give details including when this happened

16. Have you ever had a private right to use the application route? (for example, an easement, private right of access, licence, etc)

No

If yes, please give full details, including who gave the permission, why and when

Other Information

17. Do you have, or do you have knowledge of, any documentary evidence is relevant to the application route or which indicates public use? (for example photographs, guidebooks, letters, sale documents, old maps, etc)

NO

If yes — please provide details

18. Please give any further information which you consider would be helpful in reaching a decision as to whether the application route should be recorded as a public right of way? Continue on a separate sheet if necessary. If you wish to provide a separate sketch map, please do so and attach to this statement.

The space (common) provides access to cu through to go to the park and the space is brilliant cause my grandson plays football there as I have no garden other children in the street use the area to play together and we as neighbours go together and it makes it easier to come Bk Hob

19. 9. During the investigation the City and County of Swansea may want to interview some or all of

During the investigation the City and County of Swansea may want to interview some or all of the claimants in order to gather additional information, Would you be willing to talk to an officer from the City and County Of Swansea about your knowledge of the application route?

Yes

20. Would you be willing to attend a hearing, or public inquiry to give evidence if necessary?

No

Yes

IF I AM NOT AT APPOINTMENTS

6. Cyngor Abertawe

Swansea Council

Public Right of Way User Evidence Statement

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Please print your name here

Telephone Number

Email Address

Statement of Truth

I BELIEVE THAT THE FACTS AND MATTERS CONTAINED IN THIS STATEMENT ARE TRUE AND I HAVE READ THE DECLARATION ABOVE

Your Signature:

Date: 21. 10. 19

You should keep a copy of the completed statement

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Information on this page of the Statement will be redacted and not made publically available

PUBLIC RIGHT OF WAY USER EVIDENCE STATEMENT

ABOUT YOU

Plasmarl
Swansea

Postcode

Year of Birth

29-9-64

Have you lived at any other addresses during the time you have used the path or way? If so, please provide details and years. Full addresses are not required.

ABOUT THE APPLICATION ROUTE

How do you think the application route should be recorded?

As a bridleway (public rights on foot and on horseback or bicycle)

Describe the application route (include start and finish points and provide OS grid references if you can)

MAP OF THE APPLICATION ROUTE

Please attach an extract from a map of your own choice to identify the route you are providing evidence about, and annotate it with anything you provide details about in this statement. Please sign and date your map.

YOUR USE OF THE APPLICATION ROUTE

1. In which years did you use the application

From 1990 approx To present

2. Were there any extended periods during which you did not use the route at all? If so, please state when and why?

During winter months

3. How did you use the application route and how often? Please tick any that apply.

	Daily	Weekly	Monthly	Every few months	Once a year	Other (please describe)
--	-------	--------	---------	------------------	-------------	-------------------------

On foot				/		
On horseback						
By pedal cycle						
By car						
Other [please specify]						

4. Has the application route always followed the same course?

Yes

If no — how and when was the route altered?

5. Approximately how wide is the application route? Please give your estimate of the width across which you used the route including the width used when passing others or walking with others. Take care to consider the overall width of the route. If this varies, please describe how, or please state 'Don't know'.

6. What type of surface does the application route have? (for example grass, gravel, earth)

7. Have there ever been any of the following on the application route?

a. Stiles. State locations and show on your map.

..... none

How long were they in place?

- b. Gates, State locations, indicate whether locked — and when - and show on your map.

NONE

- c. Other barriers. State what they were and location, how long they were in place and show on your map.

8. Did any of the above prevent you from using the application

No

If yes, please give details

9. Have you ever seen any signs or notices suggesting whether or not the application route is a public right of way? (for example "Private", "Keep Out", No Right of Way "Trespassers will be Prosecuted")

NO

If yes — state when and give details, including when they were present and mark their location on your map

None

-
10. Have you seen other people using the application route whilst you have been using it?
-

YES

If yes, please provide any additional information about this

..... people walking dogs
..... walking down to cum level road.

Land Ownership

11. Were you working for any owner or occupier of land crossed by the application route at the time when you used it, or were you then a tenant / licensee of any such owner?

NO

If yes, provide details and dates

12. Did the owner or occupier ever give you permission (or did you seek permission) to use the application route?

No

If yes,

a. From whom?

.....

b. When?

13. Has anyone ever told you the application route was not public (including by an owner, tenant of the land or by anyone in their employment)?

NO

If yes, by whom and when?

14. Have you ever been stopped or turned back when using the application route?

NO

If yes, please give details including when this happened

15. Has anyone else ever told you that they were prevented from using the application route?

NO

If yes, please give details including when this happened

16. Have you ever had a private right to use the application route? (for example, an easement, private right of access, licence, etc)

No

If yes, please give full details, including who gave the permission, why and when

Other Information

17. Do you have, or do you have knowledge of, any documentary evidence which is relevant to the application route or which indicates public use? (for example photographs, guidebooks, letters, sale documents, old maps, etc)

NO

If yes — please provide details

18. Please give any further information which you consider would be helpful in reaching a decision as to whether the application route should be recorded as a public right of way? Continue on a separate sheet if necessary. If you wish to provide a separate sketch map, please do so and attach to this statement.

19. During the investigation the City and County of Swansea may want to interview some or all of the claimants in order to gather additional information. Would you be willing to talk to an officer from the City and County of Swansea about your knowledge of the application route?

Yes

20. Would you be willing to attend a hearing, or public inquiry to give evidence if necessary?

YES

Please return this form to:

Legal Services, Civic Centre, Swansea, SAI 3SN

Appendix 5

53. Duty to keep definitive map and statement under continuous review.

(1) In this Part “definitive map and statement”, in relation to any area, means, subject to section 57(3) and 57A(1),—

(a) the latest revised map and statement prepared in definitive form for that area under section 33 of the 1949 Act; or

(b) where no such map and statement have been so prepared, the original definitive map and statement prepared for that area under section 32 of that Act; or

(c) where no such map and statement have been so prepared, the map and statement prepared for that area under section 55(3).

(2) As regards every definitive map and statement, the surveying authority shall—

(a) as soon as reasonably practicable after the commencement date, by order make such modifications to the map and statement as appear to them to be requisite in consequence of the occurrence, before that date, of any of the events specified in subsection (3); and

(b) as from that date, keep the map and statement under continuous review and as soon as reasonably practicable after the occurrence, on or after that date, of any of those events, by order make such modifications to the map and statement as appear to them to be requisite in consequence of the occurrence of that event.

(3) The events referred to in subsection (2) are as follows—

(a) the coming into operation of any enactment or instrument, or any other event, whereby—

(i) a highway shown or required to be shown in the map and statement has been authorised to be stopped up, diverted, widened or extended;

(ii) a highway shown or required to be shown in the map and statement as a highway of a particular description has ceased to be a highway of that description; or

(iii) a new right of way has been created over land in the area to which the map relates, being a right of way such that the land over which the right subsists is a public path or a restricted byway;

(b) the expiration, in relation to any way in the area to which the map relates, of any period such that the enjoyment by the public of the way during that period raises a presumption that the way has been dedicated as a public path or restricted byway;

(c) the discovery by the authority of evidence which (when considered with all other relevant evidence available to them) shows—

- (i) that a right of way which is not shown in the map and statement subsists or is reasonably alleged to subsist over land in the area to which the map relates, being a right of way such that the land over which the right subsists is a public path, a restricted byway or, subject to section 54A, a byway open to all traffic;
- (ii) that a highway shown in the map and statement as a highway of a particular description ought to be there shown as a highway of a different description; or
- (iii) that there is no public right of way over land shown in the map and statement as a highway of any description, or any other particulars contained in the map and statement require modification.

(4) The modifications which may be made by an order under subsection (2) shall include the addition to the statement of particulars as to—

(a) the position and width of any public path, restricted byway or byway open to all traffic which is or is to be shown on the map; and

(b) any limitations or conditions affecting the public right of way thereover.

(4A) Subsection (4B) applies to evidence which, when considered with all other relevant evidence available to the surveying authority, shows as respects a way shown in a definitive map and statement as a restricted byway that the public have, and had immediately before the commencement of section 47 of the Countryside and Rights of Way Act 2000, a right of way for vehicular and all other kinds of traffic over that way.

(4B) For the purposes of subsection (3)(c)(ii), such evidence is evidence which, when so considered, shows that the way concerned ought, subject to section 54A, to be shown in the definitive map and statement as a byway open to all traffic.

(5) Any person may apply to the authority for an order under subsection (2) which makes such modifications as appear to the authority to be requisite in consequence of the occurrence of one or more events falling within paragraph (b) or (c) of subsection (3); and the provisions of Schedule 14 shall have effect as to the making and determination of applications under this subsection.

(5A) Evidence to which subsection (4B) applies on the commencement of section 47 of the Countryside and Rights of Way Act 2000 shall for the purposes of subsection (5) and any application made under it be treated as not having been discovered by the surveying authority before the commencement of that section.

(6) Orders under subsection (2) which make only such modifications as appear to the authority to be requisite in consequence of the occurrence of one or more events falling within paragraph (a) of subsection (3) shall take effect on their being made; and the provisions of Schedule 15 shall have effect as to the making, validity and date of coming into operation of other orders under subsection (2).