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CYNGOR SIR
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ISLE OF ANGLESEY
COUNTY COUNCIL

Mr Richard Parry Jones, BA, MA.
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RHYBUDD O GYFARFOD	NOTICE OF MEETING
FFORWM MYNEDIAD LLEOL	ANGLESEY LOCAL ACCESS FORUM
DYDD MAWRTH, 28 IONAWR, 2014 am 10.30 o'r gloch	TUESDAY, 28 JANUARY 2014 at 10.30 am
YSTAFELL BWYLLGOR 1, SWYDDFEYDD Y CYNGOR, LLANGFNI	COMMITTEE ROOM 1, COUNCIL OFFICES, LLANGFNI

Ysgrifennydd y Fforwm/Secretary of the Forum :

Mr. Dan Jones FRAGs, Danolfan, 23 Cae Mair, Biwmares/Beaumaris, Ynys Môn.
Danjones323@btinternet.com

AELODAU/MEMBERS :

Mr. Dewi ap Rhobert, Sycharth, Talwrn, Llangefni, Ynys Môn.
Mr. John Tudor Astley, Mynydd Mwyn Mawr, Llannerch-y-medd, Ynys Môn.
Ms. Margaret Ferne, Edeyrn View, Westley Street, Bodedern, Ynys Môn.
Dr. Eric Haworth, Bayfield, The Drive, Malltraeth, Ynys Môn.
Mr. Keith Hollingworth, Rhyd Farm, Amlwch, Ynys Môn.
Mr. Peredur Hughes, Fferam Uchaf, Llanddeusant, Ynys Môn.
Mr. Bryn Jones, Fferm Ty'n Buarth, Dothan, Ty Croes, Ynys Môn.
Mrs. J. Lewis, 3 Pen y Graig, Llanfachraeth, Ynys Môn.
Mr. J. Marshall, 20 Y Wern, Llanfairpwll, Ynys Môn.
Ms. Andria Massey, 8 Swn y Don, Benllech, Ynys Môn.
Mr. Alun Owen, Gwasanaeth Cefn Gwlad/Countryside Services, Cyngor Sir/County Council.
Mr. R. Elwyn Owen, Crud yr Awel, Llanfaethlu, Ynys Môn.
Mr. Rhys Ll. Owen, 37 Alaw View, Rhosybol, Ynys Môn.
Mr. Tony Pritchard, Bryn Awel, Cerrigceinwen, Bodorgan, Ynys Môn.
Mr. Eric Roberts, Greenacres, Porth-y-Post, Trearddur, Ynys Môn.
Mr. Myrddin J. Roberts, Penhwnllys Uchaf, Llangoed, Ynys Môn.
Mr. John Stubbs, Ty Mawr Llanfihangel, Llanddona, Ynys Môn.
Mr. Ted Thomas, 26 Bronllys, Gaerwen, Ynys Môn.
Mr. Christopher Topps, Gwynfa, Waterside, Aberffraw, Ynys Môn.
Sir Richard Williams-Bulkeley, Red Hill, Beaumaris, Ynys Môn.

NODI/NOTE : Mae cinio bwffe wedi ei drefnu ar derfyn y cyfarfod/A buffet lunch has been arranged following the termination of the meeting.

A G E N D A

1 **APOLOGIES**

2 **MINUTES** (Pages 1 - 10)

To submit for confirmation, minutes of the meeting held on 24 September, 2013.

3 **MATTERS ARISING**

not listed on the Agenda.

4 **LON LAS CEFNI - (MINUTE 6.2)** (Pages 11 - 18)

To receive a report by the Highways Department on :-

- Legal position concerning use of different categories of rights of way, and
- The legal status and development of the Lon Las Cefni cycle route.

5 **REVIEW OF ACCESS LAND (MINUTE 7.0)** (Pages 19 - 20)

Copy of the response of Natural Resources Wales to the submission by Anglesey LAF that landowners should receive statutory notification of designation or changes to their land.

6 **PROPOSED NEW POWER LINES ACROSS ANGLESEY**

Response of National Grid

7 **REPORT FROM THE LAF CHAIRMEN'S MEETING AT NEWTOWN ON 15TH OCTOBER, 2013**

Including the submission for increased funding for public rights of way by Anglesey LAF as per Minute 11 of last meeting.

8 **NATIONAL ACCESS FORUM FOR WALES 19 DECEMBER, 2013 AT CARDIFF**

To consider any items requiring attention from that meeting.

9 **PUBLIC RIGHTS OF WAY ISSUES AT NEWBOROUGH WARREN** (Pages 21 - 38)

To receive a report from the Highways Department on the issues and proposed actions to resolve these issues.

10 **REVIEW OF ACCESS AND OUTDOOR RECREATION LEGISLATION**

To receive latest information on a green paper consultation which is imminent.

11 **ANGLESEY COASTAL PATH**

To receive an update on grant funding and projects and a report on recent storm damage.

12 **LOCAL ISSUES**

13 **ANY OTHER BUSINESS**

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ANGLESEY LOCAL ACCESS FORUM

Minutes of the meeting held on 24 September 2013

PRESENT:

John Tudor Astley
Margaret Ferne
Eric Howarth
Keith Hollingworth
Peredur Hughes
Jacki Lewis
Jim Marshal
Andria Massey
Alun Owen
Rhys Ll. Owen
Tony Pritchard
Eric Roberts
J.Myrddin Roberts
Ted Thomas
Christopher Topps
Sir R.W.Bulkeley

IN ATTENDANCE:

Dan Jones - LAF Secretary
Arwel Evans – Right of Way Officer
Dewi Williams - Head of Service (Highways)
Huw Percy – Principal Engineer

APOLOGIES:

Dewi ap Rhobert
R.Elwyn Owen
John Stubbs

1. CHAIRMAN

The Acting Chairman Dan Jones, Secretary of the Forum, presided and welcomed the new and previous members to the Forum and also the Local Authority officers. He outlined the general operation of the Forum and wished the members well in their deliberations and decisions.

2. TO NOTE THE LIST OF MEMBERS

The list of Members for the new term of the Access Forum was noted and the Chairman invited all Members and Staff to individually introduce themselves. The three apologies for absence were noted.

3. THE ROLE AND DUTIES OF THE LOCAL ACCESS FORUM [Paper A]

Details of the statutory function of a Local Access Forum had been circulated with the meeting Agenda and it was noted that the Forum was expected to advise on the improvement of public access to land in its area of operation for the purposes of open-air recreation and the enjoyment of the area in accordance with the requirement of the Countryside and Right of Way Act 2000 (CROW Act)

In carrying out this function the Forum should have regard to –

- The needs of land management
- The desirability of conserving the natural beauty of the area for which it was established, including the flora, fauna and the geological and physiographical features of the area.
- Guidance given from time to time by the National Assembly Government

The Right of Way Improvement Plan and its review was an important aspect of the work of the Forum. Also an important factor was to review the mapping of open country and registered common land and to receive reports and take action regarding all matters relevant to the public use of rights of way.

It was noted that it was important for the Forum to play a full part in setting its own agenda and that individual members should be active in respect of this aspect.

4. ELECTION OF CHAIR AND DEPUTY CHAIR [Paper B]

The Acting Chairman stated that as per the details circulated there was a statutory procedure for the appointment of Chair and Deputy Chair of the Forum. Nominations for the two posts would be taken at the first meeting and a secret ballot would be taken at the second meeting with a brief note from the candidates nominated to assist in the selection process.

CHAIR

The Acting Chairman invited nominations. The name of Dewi ap Rhobert was proposed and seconded. There were no other nominations and it was noted that he was away from home but had previously indicated that if nominated he would stand for election. As there were no other nominations the Acting Chairman declared that **Dewi ap Rhobert** would serve as Chair of the Forum.

DEPUTY CHAIR

The Acting Chairman invited nominations. The name of John T. Astley was proposed and seconded. There were no other nominations. As there were no other nominations the Acting Chairman declared that **John T. Astley** would serve as Deputy Chair.

Dan Jones relinquished the Chair and John Astley presided for the remainder of the meeting.

5. ADMINISTRATIVE MATTERS

Arwel Evans presented details about the operation and administration of the Forum, the Terms of Reference, the procedure for claiming expenses and the cycle of dates for meetings. He enquired about the preference regarding venues and times of meetings. Members agreed that the current venue at the County Council Office was the best venue and the time of 10.30 a.m. but if there was a particular problem or need to visit an area that arrangements could be made for a meeting at that location.

6. MINUTES OF THE LAST FORUM HELD ON 07 MAY 2013 [Paper C]

Arising from the Minutes

6.1 Proposed New Power Lines across Anglesey [Minute 3.5]

Peredur Hughes indicated that it had been resolved to arrange a special meeting with the National Grid to emphasise the opposition to the new overland pylon routes but to date the meeting had not been held

It was agreed that the matter was of such importance that a special meeting should be held with National Grid. Arwel Evans agreed to make the arrangements.

6.2 Malltraeth Cob – Bridle Route

Margaret Ferne referred to the statement that the 2 metre width of the path at Malltraeth was not suitable for multi use but other parts of the country did allow such use. Arwel Evans stated that the Sustrans Cyclerooute Standards required 3-4 metres for a shared cycle track/footpath with an adjoining bridleway. Margaret Ferne commented that a bridleway in Rhyd Ddu had recently been realigned and surfaced to 2 metres width and was also used by cyclists. Arwel Evans explained that a bridleway is a different type of highway to a cycle track. Horse riders are not entitled to use cycle tracks but in some cases an adjoining bridleway can be provided. The Countryside Act 1968 gave cyclists the right to use bridleways but they must give way to other users.

It was agreed to produce a report to the next meeting on the rights of cyclists and horseriders, including information on the development of Lon Las Cefni and the legal orders made in respect of it.

Arwel Evans would also raise the matter with NRW to enquire about the possibility of establishing an adjoining bridleway at Malltraeth Cob.

7. PROVISIONAL MAP OF ACCESS LAND

It was reported that the provisional map of open country and registered common land published by Natural Resources Wales on 7th August 2013 was available for inspection at the meeting and on the NRW website. Any person with a legal interest in land shown could appeal against its inclusion and would need to appeal by the 7th November 2013.

The Secretary was asked to contact NRW to see if any progress had been made about the need for legislation to ensure owners and occupiers of land had to be informed when their land was being designated.

8. REVIEW OF ACCESS AND OUTDOOR RECREATION LEGISLATION [Paper D]

It was noted that the information contained in the Discussion Document was over a wide range of issues. The basic factor was that the Welsh Government wanted to review the legislation relating to outdoor recreation and leisure with the intention of securing better access to outdoors recreation, modernising and to simplify the current regulatory framework and providing clarity and certainty over where people can go and what they can do there.

It was reported that a Green Consultation Paper would be issued towards the end of 2013 and that this would be circulated to Forum members

9. COASTAL PATH WORK PROGRAMME 2013/14

Hugh Percy presented a summary of the projects for the Wales Coastal Path spanning 2 years and he explained the items included and the percentage of grant aid provided. There was no grant aid provided for maintenance work. The total project work in the report amounted to £378,162 and the grant aid only amounted to 257,031.

Members were of the view that the sum provided was totally inadequate to ensure that all sections of the path did follow the coastline and meet the expectations of users to walk the Anglesey coast and not to follow some sections inland.

Arising from the subsequent discussion the following items were raised –

- i) Tony Pritchard commented that a short ramp at the start of the path to Bryn Celli Ddu was too steep for a person in a wheelchair to use unassisted- **Action - would be investigated**
- ii) Margaret Ferne referred to order proposals for the footpath at Plas Cymyran. She requested that if its status on the Definitive Map is to be upgraded then this should be to Byway rather than Bridleway- **Action - would be reviewed**
- iii) Motorhomes that were parking in unauthorised locations overnight – **Action –plans for Parking Wardens to deal with the issue.**

10. LOCAL ISSUES

10.1 Clearing footpaths

Tony Pritchard asked if there was a lack of funding for paths why was the County Council spending funds on disused routes and cited a path in Llangristiolus which had not used for about 20 years. Arwel Evans stated that there had been requests to reopen that particular path and Andria Massey confirmed that she had received similar requests in her capacity as Ramblers Association Secretary.

Jacki Lewis stated as an organiser of the Walking Festival it was very important to have new routes available so that the programme of walks can be varied.

Jim Marshal thanked the County Council for clearing footpaths.

Andria Massey gave a report on funding which the volunteer group had secured from the Ramblers Association at national level which had been used to purchase galvanised kissing-gates. The group was erecting these gates on the local path network, mainly to replace ladder stiles for ease of use. The Chairman thanked the volunteer group for their work.

11. LAF CHAIRS MEETING – NEWTOWN 15 OCTOBER 2013

IT WAS AGREED to submit an Agenda item to the Meeting calling for the LAF's in Wales to submit a strong case and appeal to Welsh Government to provide sufficient funding to Local Authorities to enable them to maintain the paths and also to be able to complete sections on the Coastal Path that had sections of the route inland instead of along the coast.

12. NEXT MEETING

It was noted that the next meeting would be on the **28 JANUARY 2014**

That concluded the business and the Chairman declared the meeting closed.

.....
CHAIRMAN

3. MATTERS ARISING

3.1 Rhoscolyn Point

It was noted that it had been reported that a person had fallen at this location and that the section of path needed checking. It was reported by volunteer John Stubbs that work had now been carried out and a new sleeper bridge and steps installed. The Chairman thanked those who had completed the work.

3.2 Afon Crigyll

Arwel Evans reported that in accordance with the decision taken at the last Forum Christopher Topps and himself had arranged a meeting on the 27 March with the Environment Agency on site about the stones placed at the estuary and he displayed photographs of the area involved. It was noted that an acceptable explanation of the situation by the Agency had been received and that the stones had been placed to prevent erosion.

3.3 Benllech to St.David's Path

The complaint that the path had narrowed and was making it difficult for wheelchair users had been investigated and maintenance work on the path would be carried out during the Summer.

3.4 Pont Aber Alaw

It was noted that work was being completed on the access to the bridge and an official opening by the Environment Minister would be arranged during the Summer.

3.5 Proposed New Power Lines across Anglesey

It was noted that following a report of the meeting in January 2013 of the Anglesey, Northern Snowdonia and Arfon/Dwyfor LAF's the Anglesey Forum had decided at the last meeting that it was opposed to the use of more overland pylons that would ruin the Anglesey landscape and have a severe adverse impact on the tourist trade and related businesses.

The decision indicated that undersea and underground transmission were the favoured options. In the ensuing discussion the various merits were considered and the related costs of the various transmission methods. It was also noted that it was an opportune time to discuss the erection of a new bridge across the Menai Strait that could solve a traffic problem and carry the necessary power across if all the parties involved discussed the issue and co-operated.

The Forum resolved to arrange a special meeting with the National Grid to emphasise the opposition to the new pylon routes and to discuss other options.

3.

4. LAF CHAIRS MEETING AT ABERYSTWYTH ON 20 FEBRUARY 2013

The Chairman stated that he had attended the meeting but many of the items discussed had no direct relation to Anglesey except the topic submitted from Anglesey LAF about the need for notification of the designation of open access land to farmers that had received full support. The matter was also to be discussed later in the meeting under item 7.

5. NATIONAL ACCESS FORUM FOR WALES

It was noted that the National Forum had been held at the Conwy Business Centre, Llandudno Junction on the 12th March 2013. The Forum consisted of appointed representative of all organisations involved with the land and access in Wales. It was open to all members of LAF's to attend the meetings as observers but not to speak on items under discussion. The Chairman stated that he had attended but had no report on any specific item.

6. ACCESSIBILITY OF PUBLIC RIGHTS OF WAY

It was noted that at the last meeting there was a discussion on the design and standards for gates and stiles which led to a wider discussion about the responsibilities of highway authorities under the Equality Act 2010 and highway legislation. In response to the discussion Arwel Evans had prepared a report providing information on relevant aspects of the law and guidance available to local authorities and this information had been circulated to members with the Agenda [Paper B]

The information explained the provisions of the Equality Act 2010 and the application of those provisions to rights of way and countryside access work. Also circulated were details of the statutory guidance published in 2007 by the Welsh Government under sections 147 and 147ZA of the Highways Act 1980 relating to the requirement for local authorities to have regard to the needs of people with mobility problems when authorising stiles and gates.

The Forum discussed various aspects on the application of the legislation. Tony Pritchard emphasised the importance and the need for less abled people to have the information readily available about suitable paths they could use. He stated that there were suitable sections not included in the information now available to the public. The point was noted and supported and it was also stated that the new Web site would improve the information available.

Arwel Evans said that the highway authority was always looking at ways to improve access and would continue to target areas where improvements could be made. It was a continuous long term task. The Forum asked the highway staff to look at the powers available to them or the lack of powers to meet the obligation of the legislation.

4.

7. OPEN ACCESS MAPPING

Molly Lovatt from Natural Resources Wales (NRW) was welcomed to the meeting. It was noted that the former organisations CCW, Forestry Commission Wales and the Environment Agency Wales had been merged into a new body on the 1st April 2013 and known as Natural Resources Wales/Cyfoeth Naturiol Cymru.

The Open Access Mapping Review Statistics were circulated to members. It was noted that ten representations had been made in Anglesey in the review and the adjustment was minimal. A new access map would now be prepared followed by a consultation period.

Peredur Hughes reiterated the need for Natural Resources Wales to inform farmers as a legal right that if any land, however small the area, was to be designated as open land or existing boundaries changed. This was fully supported by the Forum and Molly Lovatt agreed that she would take the complaint back to NRW.

8. LOCAL ISSUES

8.1 Bridle path designation

Margaret Ferne enquired if any part of the coastal Path in Anglesey was suitable to be upgraded to a bridle path and that she had been informed that grant aid was available. Malltraeth Cob was given as a suitable example. It was noted that that there was no statutory width for a bridle path but there was for gates. The Chairman indicated that in his experience the multi use of paths by cyclists and horses was dangerous for pedestrians. It was explained that a good case had to be made to secure and justify a bridle route if a section was to be approved by NRW.

8.2 Gaerwen to Llanddaniel path.

Ted Thomas thanked Arwel Evans for arranging improvements by the provision of two new gates.

8.3 Key Performance Indicator (KPI)

Dewi Williams reported that the indicator had reached 59.2% on the availability of path usage and that steady progress was being made.

8.4 Wales Coastal Path funding

Huw Percy reported that £1.1 Million was allocated for the maintenance work for the next 2 years but when shared between the local authorities in Wales it was insufficient and discussions were being held to enable two members of staff to be employed in Anglesey. The funding would not cover the important work to close the gaps in the coastal path section in Anglesey.

5.

8.5 Presaddfed, Bodedern

Margaret Ferne drew attention to a gate supplied for a path near Presaddfed about two years ago but was still waiting to be installed. Arwel Evans stated that he would deal with the issue.

8.6 Definitive Map on the Internet

The Forum welcomed a demonstration of the flexibility and the information contained on the new Web site and thanked all those concerned with the preparation. The Welsh version would be available at a later stage

8.7 Sending meeting papers via Email

It was reported that the Anglesey County Council was considering adopting a system to send all its agendas and committee papers via Email including the LAF. The Forum however indicated that some members were not on the internet and were not Councillors and subject to the same requirements and it was AGREED that Forum members should be exempt from such a scheme and that there should be no change.

9.0 NEW LOCAL ACCESS FORUM

As the current term of existing members would end in September 2013 it would be necessary to select new Forum members for the next 3 year term. It was noted that there would be advertisements in local papers and notifications to various bodies and local councils. Existing members could re-apply. Following the establishment of the new Forum officers would be appointed. The Forum had to consist of between 12 and 22 members.

It was pointed out by members that it was vital to select members who could meet the aim of the Forum and that was to secure public access for example along the whole of the Coastal Path as large estates had not co-operated with this aim to date.

10. NEXT MEETING

It was noted that the next meeting was on the **24 SEPTEMBER 2013**

That concluded the business and the Chairman declared the meeting closed.

.....
CHAIRMAN

Committee: Local Access Forum

Date: 28 January 2014

Title of Report: Lon Las Cefni

Purpose of Report:

To advise members about the legal position regarding use of different categories of rights of way and the legal status and development of the Lon Las Cefni cycle route

Report by: Head of Service (Environment and Technical)

Action: For information

1.0 Introduction

At the last meeting there was discussion about possible horse access along Malltraeth Cob which led to a wider discussion on the rights of the public on different categories of highway.

Members requested a report to clarify the rights of the public and also information as to the legal status of Lon Las Cefni and its development.

2.0 Categories of highway

Status	Legal definition	Comments
Footpath	“A highway over which the public have a right of way on foot only, not being a footway”	
Footway (Pavement)	“A way comprised in a highway which also comprises a carriageway, being a way over which the public have a right of way on foot only”	Mobility scooters and powered wheelchairs can legally travel on footpaths and footways at a maximum of 4mph
Bridleway	“A highway over which the public have the following, but no other, rights of way, that is to say, a right of way on foot and a right of way on horseback or leading a horse, with or without a right to drive animals of any description along the highway”	There is no common law right to cycle on a bridleway but Section 30 of the Countryside Act 1968 permits the riding of bicycles on public bridleways. The act says that it "shall not create any obligation to facilitate the use of the bridleway by cyclists". Thus the right to

		cycle exists even though it may be difficult to exercise on occasion. Cyclists using a bridleway are obliged to give way to other users on foot or horseback.
Restricted Byway	<p>“Restricted byway rights” means—</p> <p>(a) a right of way on foot,</p> <p>(b) a right of way on horseback or leading a horse, and</p> <p>(c) a right of way for vehicles other than mechanically propelled vehicles; and</p> <p>“restricted byway” means a highway over which the public have restricted byway rights, with or without a right to drive animals of any description along the highway, but no other rights of way.</p>	
Byway Open to All Traffic (BOAT)	“A highway over which the public have a right of way for vehicular and all other kinds of traffic, but which is used by the public mainly for the purpose for which footpaths and bridleways are so used”	A byway is a type of carriageway. The test for a carriageway to be recorded on the Definitive Map and Statement as a BOAT relates to its character or type
Cycle track	“A way constituting or comprised in a highway, being a way over which the public have the following, but no other, rights of way, that is to say, a right of way on pedal cycles (other than pedal cycles which are motor vehicles within the meaning of the Road Traffic Act 1988 with or without a right of way on foot”	The term ‘cycle track’ is also often used in a loose sense to mean a way over which cyclists have a legal RoW with another class of users, such as a bridleway.
Carriageway	“A way constituting or comprised in a highway, being a way (other than a cycle track) over which the public have a right of way for the passage of vehicles”	

3.0 Lon Las Cefni – legal status

The maps at Appendices 1-3 show the route of the cycle track. The path sections have the following status;

Section	Location	Status	Surface	How legal status was attained
A - B	Bodffordd to Cefni Dam	Permissive	2m compacted dust path	
C - B	Pont Trefollwyn to Cefni Dam	Permissive	3m forest road	
B - D	Cefni Dam to Welsh Water land boundary	Permissive	2m compacted dust path	
D - E	Welsh Water boundary to Pandy	Statutory cycle-track	2m compacted dust path with concrete sections where path is prone to flooding	Dedication agreement made with landowner in 2006 for new highway & Part of the land was purchased by IACC
E - F	Pandy to Lon Rhosmeirch	Statutory cycle-track	Access road with wheel tracks surfaced in tarmacadam	Dedication agreement made with landowner in 2005 to create cycle-track on route of public footpath
E - G	Pandy through Dingle woodland	Statutory cycle-track	2m tarmacadam or concrete	Order made in 2010 under Cycle Tracks Act 1984 to convert public footpath to cycle -track
G - H	Adjacent Asda	Statutory cycle-track	Tarmacadam path within carriageway	New construction
H - I	Adjacent Industrial Estate	Statutory cycle-track	2m tarmacadam	Order made in 2002 under Cycle Tracks Act 1984 to convert public footpath to cycle -track
I - J	Llwyn Ednyfed section	Statutory cycle-track	2m tarmacadam	Order made in 2002 under Cycle Tracks Act 1984 to convert public footpath to cycle -track
J - K - L - M	Afon Ceint to Pont Marquis	Statutory cycle-track	2m tarmacadam	New construction, later adopted by IACC
M - N	Pont Marquis to Malltraeth cob	Carriageway	Tarmacadam	
N - O	Malltraeth cob	Statutory cycle-track	2m tarmacadam	Order made in 2002 under Cycle Tracks Act 1984 to convert public

Section	Location	Status	Surface	How legal status was attained
				footpath to cycle -track
O - P	Newborough Forest	Permissive	Forest roads / gravel paths	
P - Q	Newborough Forest to Newborough	Carriageway	Tarmacadam	

4.0 Lon Las Cefni – brief history of development

Lon Las Cefni was originally conceived in a report dated September 1998 by Sustrans for the Environment Agency. The report recommended the construction of a largely traffic-free route for walkers and cyclists between Newborough, Llangefni and Benllech exploiting the opportunity of using the existing Afon Cefni flood defences. The proposed Pentre Berw to Benllech link was not progressed but additional new routes at Llyn Cefni and a link between Llyn Cefni and Llangefni became part of the project. The route was officially opened in April 2007.

Work on the scheme commenced in 2002 when section H – I (Llangefni Industrial Estate) was converted from footpath to cycle track and was constructed as a 2m compacted dust path. This was funded by Isle of Anglesey County Council (IACC) and the path has since been tarmacked in stages as funding became available.

Section N – O (Malltraeth Cob) was converted from footpath to cycle track in 2002/03 and was originally constructed as a compacted dust path, funded through the Objective 1 Programme. The path was tarmacked by IACC in 2011 using Wales Coastal Path grant.

The permissive section along the shore of Llyn Cefni (A- B) was established in conjunction with Welsh Water and Forestry Commission between 2002 and 2005. This included major new structures to cross the railway and river by the dam, also new footway construction along part of the Bodffordd – Llangwyllog road and the B5111. The schemes were funded entirely through Transport Grant. The Forestry Commission subsequently undertook work themselves to create a new car park at the Bodffordd end and to improve an existing car park at Pont Trefollwyn.

Sections B-D-E-G (Llyn Cefni – Llangefni) and E-F (Pandy – Lon Rhosmeirch) were constructed in 2005 and 2006 and were funded entirely through Transport Grant. Unsealed sections within the Dingle woodland were then tarmacked between 2011-13 using Regional Transport Plan and Sustainable Travel Centre funding.

Sections I – J- K – L (Llangefni Industrial Estate to Pont Marquis) were constructed in phases between 2004 and 2005 and were funded through the Objective 1 programme, apart from a section between Pont Bulkeley - Pont Mari Powell. After all the Objective 1 Project funds were used the Environment Agency completed this section in 2006 using their own funds. The work on these sections included strengthening of the Afon Cefni flood banks.

Sections I – J- K – L were originally constructed as compacted dust paths but they have been tarmacked in phases between 2009 and 2013 using the Council's revenue budget and Regional Transport Plan / Sustainable Travel Centre funding. As part of these works byways linking Pont Bulkeley with Pentre Berw and the A5 were also tarmacked.

Arwel G. Evans
pp Head of Service (Environment and Technical)

15 January 2014



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COUNTY COUNCIL**

DEWI R. WILLIAMS B.Sc. C.Eng., MICE, MIHT
Pennaeth Gwasanaeth (Amgylchedd a Thechnegol)
Head of Service (Environment and Technical)

Swyddfeidd y Cynghor
Llangefni
Ynys Môn LL77 7TW

Council Offices
Llangefni
Anglesey LL77 7TW

MANYLION / DETAIL: LON LAS CEFNI

— Rhan oddi ar ffordd / Off-road section
- - - Rhan ar ffordd / On-road section

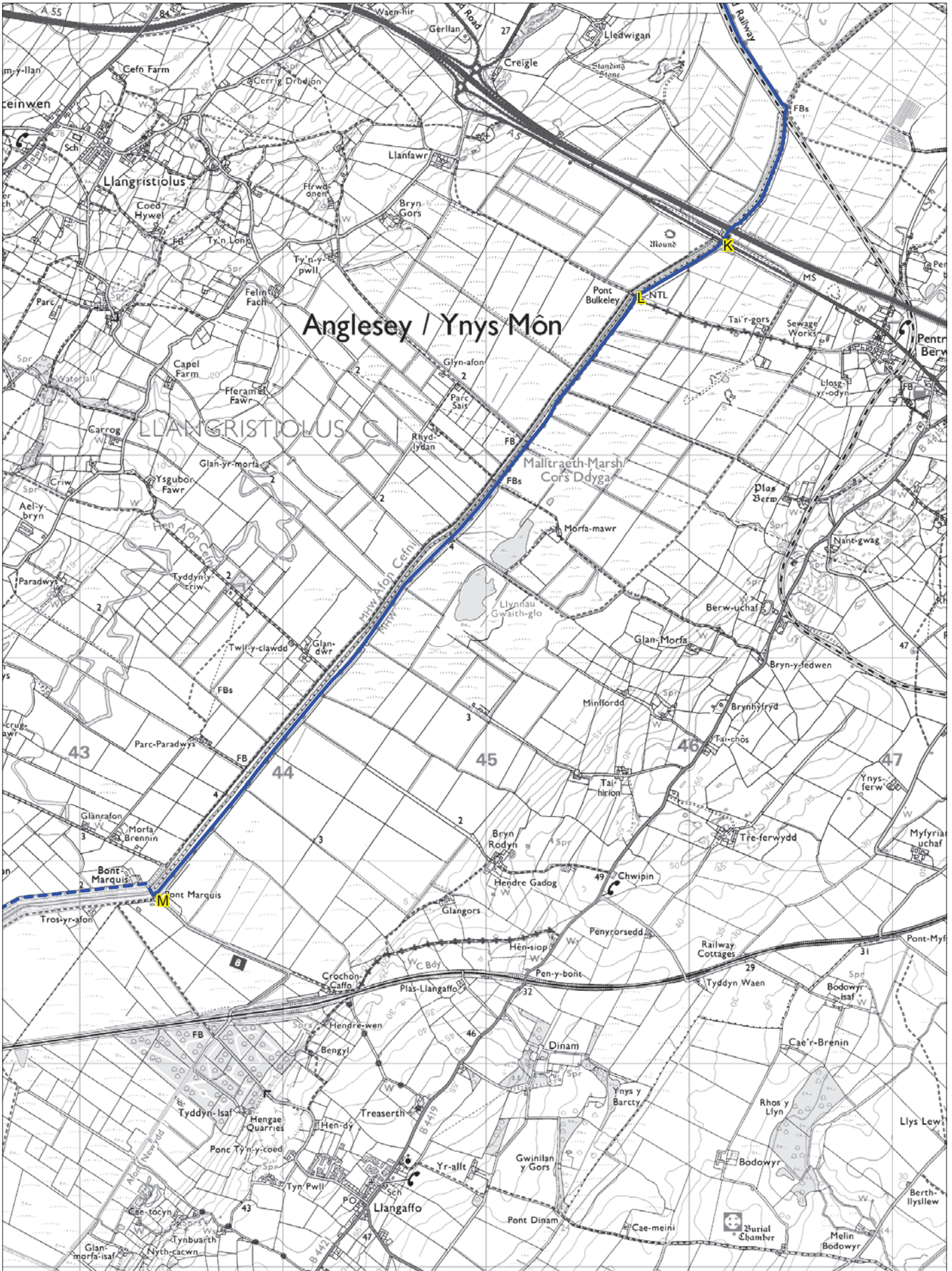
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**CYNGOR SIR
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ISLE OF ANGLESEY
COUNTY COUNCIL**

DEWI R. WILLIAMS B.Sc. C.Eng., MICE, MIHT
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Anglesey LL77 7TW

MANYLION / DETAIL: LON LAS CEFNI

— Rhan oddi ar ffordd / Off-road section
- - - Rhan ar ffordd / On-road section

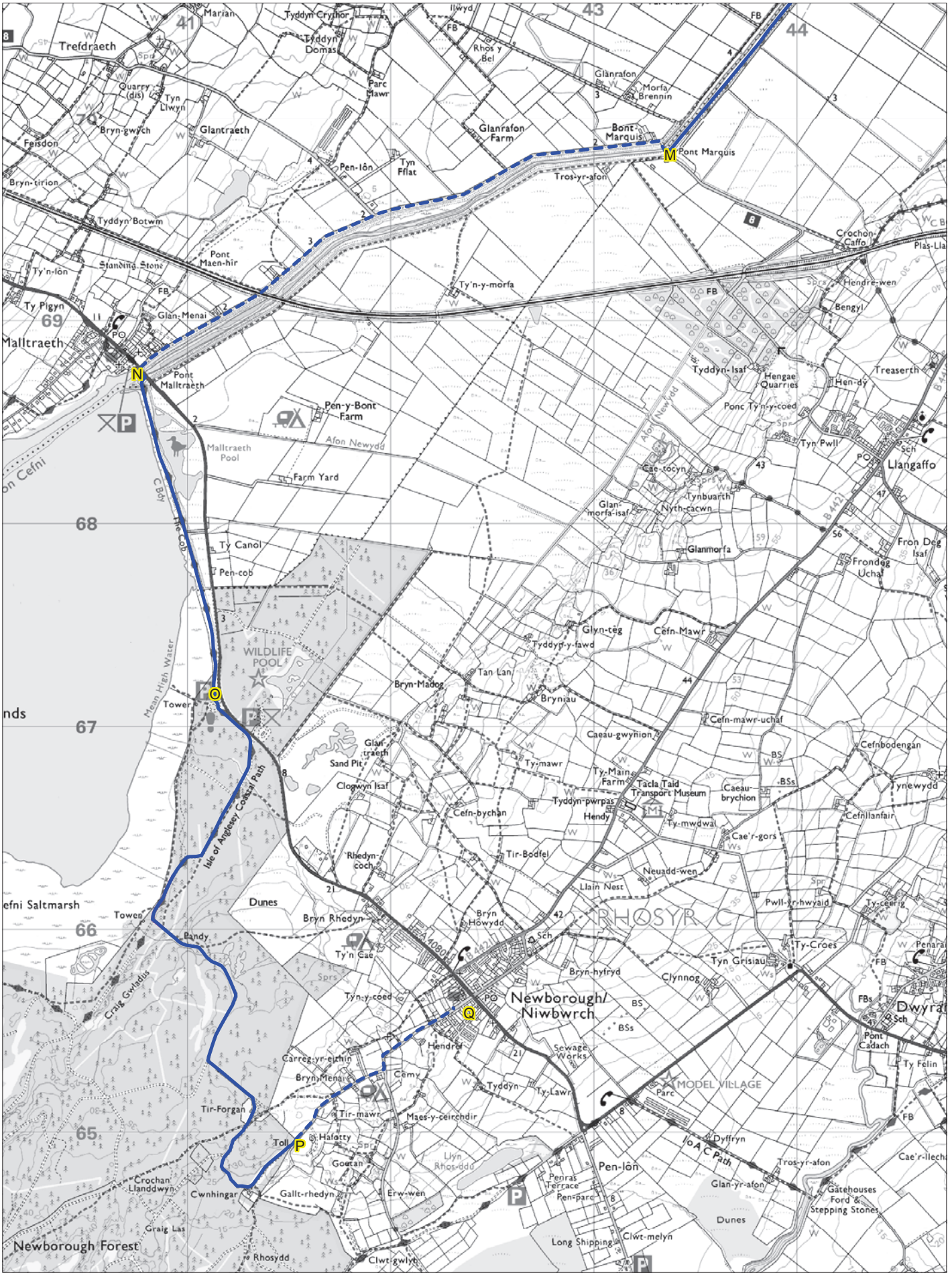
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13 January 2014

C.G. / G.R.: SH449710

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**CYNGOR SIR
YNYS MÔN
ISLE OF ANGLESEY
COUNTY COUNCIL**

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DYDDIAD / DATE ISSUED:
13 January 2014
C.G. / G.R.: SH424674

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Dear Dan,

Open Access Mapping Review

Thank you for your e-mail, because the review is a review rather than a complete re-mapping of Open country and common land, it has been decided that it is unnecessary to inform every individual landowner directly. Unlike the first time the maps were created, we do not have the same level of resources allocated to this project as we had when we created the maps in 2005. The only statutory requirement we have is to put a public notice in the press on both draft maps and provisional map issue dates, however as you will see, we have endeavoured to go way beyond what is required of us in order to safe guard our future working relationship with the public, landowners and the farming unions.

We consulted and worked closely with the Farming Union of Wales (FUW), National Farmers' Union (NFU), Country Land and Business Association (CLA), Open Spaces Society, Ramblers Cymru, and all Local Access Forums' in Wales (LAFs). We posted statutory notices in the Daily Post, Western Mail and Golwg, and circulated a number of press releases in local and national news papers, including GWLAD and the Farmers' Guardian. The mapping review process was also publicised on BBC Radio Cymru/Wales and BBC News Online in November 2012 and August 2013. In addition all press releases were also sent onto the farming unions who then publicised them in their own publications where ever appropriate.

The new draft map was issued on the 16th of July 2012. Anyone with an interest in the land was able at this point to make a representation to have land either added or deleted from the map. We then went through a process of looking closely at those areas of land and making decisions as to whether or not they met the habitat criteria set out under Countryside and Rights of Way Act. There was a 3 months consultation period, during which time we contacted all landowners with land over 0.5 ha which had been added as a result of staff observations received over the ten year period since the first maps were published in 2005, this then gave them an opportunity to look at the draft map and make a representation if they wished to. Where we were unable to identify a landowner, we hand delivered letters to nearby farms, requesting that they contact us in the event that they knew who the landowner was. Once we received all of the representations and once they were verified, we wrote to each of them with a decision. We used a Welsh Government landownership list to locate landowners who had land added to the map, we also informed all farming unions with the information on the decisions so that they could then disseminate it to their members.

Further letters were sent out at the beginning of July 2013, these were generic letters sent to all of those on our mailing list who may have an interest in the land contained on the new revised access maps. These letters were to notify people of the next Provisional Map due out in August.

Another letter was then sent out on the 5th August 2013, just prior to the issue of the Provisional Map, containing a map extract of the area in question and also an explanation as to why the land was either added or removed, the letter also stated clearly the date of the next provisional map issue, with details of where to go to lodge an appeal.

The appeals process is now with the planning Inspectorate. Official appeal forms and information about making an appeal are available on the Planning Portal:

www.planningportal.gov.uk/planning/countryside,

and can also be requested from the Planning Inspectorate, who can be telephoned on 029 2082 3866 or via email at wales@pins.gsi.gov.uk.

An appeal can be made by email, or by sending/delivering a completed official appeal form to:

The Planning Inspectorate
Crown Buildings
Cathays Park
CARDIFF C10 3NQ

Maps are also available online at <http://www.naturalresourceswales.gov.uk/>. You can also inspect the provisional map and the draft map modification statements at the following Natural Resources Wales offices: Maes y Ffynnon in Bangor, Mold, Aberystwyth, Newtown, Abergavenny and St Mellons; the Head Offices of Snowdonia National Park Authority, Brecon Beacons National Park Authority and Pembrokeshire Coast National Park Authority. Copies of the provisional map can also be inspected online, free of charge, at most public libraries in Wales.

Go to

The farming unions also asked this question regarding contacting all landowners in Wales at the start of this mapping review. When we explained the method we were planning to use, they were happy that this was a sensible approach. We have continued to work closely with them throughout this process. We feel that the process has been thorough, with plenty of opportunity for people to find out more about it if they are interested.

I hope that the members of the Anglesey LAF can see that we have dealt with this review in the best way possible with the resources that we have available to us.

Kind regards

Molly Lovatt

Hawliau Tramwy Cyhoeddus rhifau 002, 020, 021 a 036 Rhosyr yn Nhywyn Niwbwrch

A/ Y materion

1. Dynodiad anghywir ar y Map a'r Datganiad Swyddogol

Mae'r llwybrau gyda'r rhifau uchod i gyd yn ymddangos fel llwybrau troed cyhoeddus ar y Map Swyddogol. Fodd bynnag, mae yna dystiolaeth bendant bod hawliau uwch i Lwybrau 020, 036 a rhan o Lwybr 021 nad ydynt wedi eu cofnodi ar y Map. Daw'r dystiolaeth hon o Ddyfarniad Amgáu Llanbedr Niwbwrch 1843 pryd y dyfarnwyd dwy ffordd Cludiant Cyhoeddus 10 llath o led:-

- Ffordd Cludiant Cyhoeddus “D” o SH429650 i SH436630 - mae'r 650 metr cyntaf wedi eu cofnodi yn ein Rhestr o Strydoedd fel ffordd gyhoeddus, y gweddill yn cael eu cofnodi ar y Map Swyddogol fel 'Llwybr Troed' (Llwybr rhif 20 Rhosyr).
- Ffordd cludiant cyhoeddus “E” o SH429650 i SH409630 – mae'r 370 metr cyntaf yn cael eu cofnodi yn ein Rhestr o Strydoedd fel ffordd gyhoeddus a'r gweddill wedi ei gofnodi ar y Map Swyddogol fel 'Llwybr Troed' (Llwybrau rhif 021 & 036 Rhosyr)

Gweler map yn Atodiad 1 a gwybodaeth am y Dyfarniad Cau Tir yn Atodiad 2.

Roedd y Dyfarniad 1843 yn rhan o broses a ymgwymerwyd rhwng 1750 ac 1850 pan wnaeth comisiynwyr penodedig rannu (amgáu) a dosrannu tir maenorol yng Nghymru a Lloegr. Yn ystod y broses yma crëwyd hawliau cyfreithiol newydd i groesi tir hefyd. Roedd hyn cynnwys hawliau tramwy cyhoeddus (priffyrdd) a hawliau tramwy preifat. Gwnaethpwyd y dasg gan gomisiynwyr penodedig, gyda'u pwerau wedi eu rhoddi dan fwy na 5,000 o Ddeddfau Amgáu Preifat a Dyfarniadau Cau Tir. Heddiw mae rhannau o'r Deddfau a'r Dyfarniadau yn gyfreithiol o hyd ac o ganlyniad mae'r hawliau a roddwyd ganddynt hefyd mewn grym. Nid oes amheuaeth bod y priffyrdd a grëwyd o dan Ddyfarniad Amgáu Llanbedr Niwbwrch 1843 yn dal i fod mewn grym yn gyfreithiol ond maent yn ddarostyngedig i newid yn y gyfraith a gyflwynwyd yn Neddf Amgylchedd Naturiol a Chymunedau Gwledig 2006.

Mae Adran 67 Deddf Amgylchedd Naturiol a Chymunedau Gwledig 2006 (NERC) yn dileu unrhyw hawliau tramwy cyhoeddus nad ydynt wedi eu cofnodi ar gyfer cerbydau gyriant mecanyddol (MPVau) (gyda rhai eithriadau) fel na allant gael eu hychwanegu ar y Map Swyddogol fel Cilffyrdd yn Agored i Bob Traffig, sy'n cario hawliau ar gyfer cerbydau gyriant mecanyddol.

Mae'r Cyngor o'r farn nad yw ffyrdd Cludiant Cyhoeddus D ac E yn bodloni un neu fwy o'r pum prawf eithriad yn NERC ac felly cafodd hawliau MPV eu dileu ar adeg cyflwyno NERC, ar wahân i'r rhannau sydd wedi eu tarmacio ac sy'n rhan o'r rhwydwaith ffyrdd cyffredin.

Yng ngoleuni'r uchod y dynodiad cywir o lwybrau rhifau 020, 036 a 021 yw 'Cilffordd Gyfyngedig' a dylid newid y Map a'r Datganiad Swyddogol i adlewyrchu hyn.

Mae "Hawliau Cilffordd Gyfyngedig" yn golygu –

- (a) hawl tramwy ar droed,
- (b) hawl tramwy ar gefn ceffyl neu arwain ceffyl, a
- (c) hawl tramwy i gerbydau ar wahân i gerbydau gyriant mecanyddol; ac

mae "Cilffordd Gyfyngedig" yn golygu priffordd y mae gan y cyhoedd hawliau cilffordd gyfyngedig arni, gyda neu heb hawl i yrru anifeiliaid o unrhyw ddisgrifiad ar hyd y briffordd, ond dim hawliau tramwy eraill.

2. Rhwystrau a wnaed gan ddyn ar y llwybrau

Yn gynnar yn 2010 fe gododd Cyngor Cefn Gwlad Cymru ffens newydd oddeutu 2.5km o hyd ar derfyn Gogledd Orllewinol Tywyn Niwbwrch. Dangosir y ffens hon gyda llinell doredig las ar y mapiau yn Atodiadau 3-8.

Nid yw'r ffens newydd yn dilyn terfynau hanesyddol Ffordd Cludiant Cyhoeddus E rhwng 'Cwt Gwlyb' a'r arfordir ac, o ganlyniad, mae rhwystrau ar y llwybr mewn nifer o lefydd:-

- Pwyntiau A-B a Phwyntiau C-D-E - mae'r ffens ar y briffordd. Dylai'r 10 llathen o led a neilltuwyd yn gyfreithiol fod wedi ei adael heb ei rwystro.
- Pwyntiau B ac E - mae'r ffens yn croestorri'r ffordd.

Codwyd y ffens hon heb unrhyw ymgynghori gyda'r awdurdod priffyrdd .

Ar ryw ddyddiad (o bosib 2010?) codwyd ffens newydd gan Gyngor Cefn Gwlad Cymru ar draws Llwybr 020 (Ffordd Gludiant Cyhoeddus D) a Llwybr 002 (unwaith yn rhagor heb ymgynghori gyda'r awdurdod priffyrdd) i ganiatáu pori ceffylau. Yng nghyswllt Llwybr 20, darparwyd giatiau mochyn yn y ffens newydd ger y maes parcio a ger y blaendraeth. Mae Cyngor Cymuned Rhosyr wedi ysgrifennu at y Cyngor ar 29 Hydref 2013 yn nodi bod y giatiau mochyn yn rhwystr ar ffordd Gludiant Cyhoeddus D gan nad ydynt yn caniatáu mynediad i geffylau.

Mae'r ffens ar draws Llwybr 002 ger y blaendraeth yn un heb giât na chamfa ac y mae'n rhwystro'r llwybr yn gyfan gwbl.

3. Rhwystrau eraill

Mewn nifer o lefydd rhwng A-B-C-D-E, mae Ffordd Gludiant Cyhoeddus E yn cael ei rhwystro gan y llystyfiant a thwyni tywod. O ganlyniad, mae'r cyhoedd yn awr yn defnyddio llwybr cyfochrog (yn cael ei ddangos yn felyn ar y mapiau yn Atodiadau 3-8) sydd o fewn terfyn y goedwig. Nid oes gennym unrhyw wybodaeth ynglŷn â pha bryd y rhwystrwyd y ffordd am y tro cyntaf ac y dechreuwyd defnyddio'r ffordd arall, ond digwyddodd hyn sawl blwyddyn cyn i'r ffens newydd gael ei gosod.

4. Pŵer i awdurdodi giatiau a chamfeydd newydd

Mae Adran 147 Ddeddf Priffyrdd 1980 yn caniatáu i awdurdod priffyrdd awdurdodi godi camfeydd, giatiau neu waith arall ar lwybr troed neu lwybr ceffyl - a dim ar unrhyw briffordd arall, er mwyn rhwystro i anifeiliaid fynd i mewn neu allan fel y gall gweithgareddau amaethyddol, yn cynnwys coedwigaeth a chadw ceffylau, gael ei wneud yn effeithiol. Fe all yr awdurdod wrth roi caniatâd, fynnu ar rai amodau. Wrth wneud hynny, bydd yn nodi dull codi a chynnal a chadw'r strwythur, ac oni fydd yr amodau'n cael eu bodloni, byddir yn ystyried bod y strwythur yn rhwystr a bydd modd defnyddio pwerau i'w symud oddi yno dan Adran 143 neu Adran 333 Deddf 1980.

Gan nad yw'r pŵer hwn yn berthnasol i Gilffyrdd Gyfyngedig, ni all y Cyngor roi trwydded i roi caniatâd ôl-weithredol i unrhyw giât ar draws ffyrdd Cludiant Cyhoeddus D ac E ar hyn o bryd. Fe ellir rhoi trwydded am giât newydd ar draws Llwybr 002 heb unrhyw anhawster.

5. Rheoli tir

Mae gan Dywyn Niwbwrch y dynodiadau statudol canlynol-

- Gwarchodfa Natur Genedlaethol Tywyn Niwbwrch ac Ynys Llanddwyn
- Safle o Ddiddordeb Gwyddonol Arbennig Tywyn Niwbwrch ac Ynys Llanddwyn
- Ardal Gadwraeth Arbennig Abermenai
- Ardal o Harddwch Naturiol Eithriadol Ynys Mon

Pori; Mae Cyfoeth Naturiol Cymru angen pori ceffylau ar y cwingar felly mae'n rhaid canfod ateb sydd yn caniatáu gosod rhwystrau cyfreithlon ar draws Llwybr 020. Am y rheswm eglurwyd uchod ni ellir defnyddio Adran 147 Deddf Briffyrdd 1980 yn yr achos yma.

Coedwigaeth; Roedd y Comisiwn Coedwigaeth yn dymuno cadw marchogwyr ceffylau oddi ar y llwybr caniatadol ar hyd ffin y goedwig o'r blaen.

Defnydd gan gerbydau modur; Mae'r Cyngor a Chyfoeth Naturiol Cymru yn dymuno rhwystro unrhyw ddefnydd gan MPVau oherwydd ystyrir nad yw'r fath ddefnydd o fewn ardal arbennig yn y cefn gwlad yn dderbyniol.

B/ Y ffordd ymlaen

Yn dilyn cyfarfod diweddar rhwng Cyfoeth Naturiol Cymru a'r Cyngor Sir cynigir y gweithrediadau isod i ddatrys y materion hyn.

1. Y Cyngor Sir i wneud Gorchymyn Diwygio Map Swyddogol o dan Adran 53(3)(c)(ii) Deddf Bywyd Gwylt a Chefn Gwlad 1981 i newid dosbarthiad Llwybrau 021, 036 ac 020 i Gilffyrdd Cyfyngedig. Bydd y lled gyfreithiol o 10 llathen ar gyfer y ffyrdd yma hefyd yn cael ei gofnodi yn y Datganiad Swyddogol
2. Yn dilyn cadarnhau'r Gorchymyn Map Swyddogol, y Cyngor Sir i wneud gorchymyn gwyro o dan Adran 119 Deddf Briffyrdd 1980 i wyro Llwybrau 021 a 036 fel y dangosir yn Atodiad 9. Bydd hyn yn sicrhau bod y llwybr sy'n cael ei ddefnyddio a chwrw swyddogol y Gilffordd Gyfyngedig yr un fath. Mae'r gwyrriad arfaethedig hefyd yn cynnwys newid wrth faes parcio Llyn Rhos Ddu a geisir gan Gyfoeth Naturiol Cymru am resymau rheolaeth.
3. Cyfoeth Naturiol Cymru i wneud cais am drwydded o dan Adran 147 Deddf Briffyrdd 1980 i osod giât yn y ffens ar draws Llwybr 002 ger y blaendraeth ac i osod y giât mor fuan â phosibl.
4. Y Cyngor Sir i wneud Gorchymyn Rheoli Traffig (GRhT) dan Adran 22(1) Deddf Rheoli Traffig Ffordd 1984 (RTRA) ar gyfer Llwybr 020. O dan Adran 22(1) gellir gwneud GRhT er mwyn diogelu ardaloedd arbennig yn y cefn gwlad ac un o'r meini prawf perthnasol yw cadw fflora, ffawna, nodweddion daearegol a ffisiolegol ardal ddynodedig o'r fath. Mae'r Cyngor yn ystyried y gallir cyfiawnhau GRhT i rwystro defnydd gan holl gerbydau (gan gynnwys rhai nad ydynt yn MPVau) dan Adran 22(1). Mae Adran 95 RTRA yn caniatáu codi bolardiau neu rwystr arall fel sy'n briodol yn ôl yr Adran Briffyrdd ar gyfer gorfodi GRhT. Gall gynnwys rhwystrau o unrhyw ddisgrifiad yn y byd ond ni

ddylid eu gosod yno i rwystro i gerddwyr rhag tramwyo ar hyd y llwybr. Pe bai GRhT yn cael ei wneud rydym o'r farn y dylid defnyddio'r pŵer yn a95 RTRA i newid y ddwy giât mochyn ar draws y llwybr am giatiau ceffylau i ganiatáu mynediad i geffylau ac i rwystro cerbydau. Mae GRhT yn dileu dosbarth o hawliau ac fe ellir ei dynnu'n ôl yn y dyfodol drwy wneud Gorchymyn Diddymu.

Arwel Evans
13 Rhagfyr 2013

Public Right of Way nos. 002, 020, 021 & 036 Rhosyr at Newborough Warren

A/ The issues

1. Incorrect designation on Definitive Map and Statement

The above numbered ways are all shown as public footpaths on the Definitive Map. However there is conclusive evidence that Path 020, Path 036 and Path 021 all have higher rights which are not recorded on the Map. This evidence comes from the Llanbedr Newborough Enclosure Award 1843 which awarded two public carriage roads 10 yards wide:-

- Public carriage road “D” from SH429650 to SH436630 - the first 650 metres is recorded in our ‘List of Streets’ as a public road, the remainder is recorded on the Definitive Map as 'Footpath' (Footpath no. 020 Rhosyr).
- Public carriage road “E” from SH429650 to SH409630 - the first 370 metres is recorded in our ‘List of Streets’ as a public road and the remainder is recorded on the Definitive Map as 'Footpath' (Footpaths nos. 021 & 036 Rhosyr)

See map at Appendix 1 and information on Enclosure Award at Appendix 2.

The 1843 award was part of a process carried out between 1750 and 1850 when appointed commissioners divided up (enclosed) and apportioned out manorial land in England and Wales. During this process, new legal rights to cross the land were also created. These included both public rights of way (highways) and private rights of way. This task was carried out by appointed commissioners, whose powers were bestowed under more than 5,000 Private Inclosure Acts and Inclosure Awards. Today, parts of these Acts and Awards are still legally binding and consequently the rights of way granted under them are too. There is no doubt that highways created under the Llanbedr Newborough Enclosure Award 1843 are legally binding, but these are subject to a change in legislation introduced in the Natural Environment and Rural Communities Act 2006.

Section 67 of Natural Environment and Rural Communities Act 2006 (NERC) extinguishes any unrecorded public rights of way for mechanically propelled vehicles (MPVs) (with certain exceptions) so that they cannot be added to the Definitive Map as Byways Open to All Traffic, which carry rights for mechanically propelled vehicles.

The Council considers that Public Carriage roads D and E do not meet one or more of the five exception tests in NERC and therefore MPV rights were extinguished on commencement of NERC, apart from on the tarmacked sections which are part of the ordinary road network.

In view of the above the correct designation of paths nos. 020, 036 and 021 is now 'Restricted Byway' and the Definitive Map and Statement should be changed to reflect this.

“Restricted Byway rights” means—

- (a) a right of way on foot,
- (b) a right of way on horseback or leading a horse, and
- (c) a right of way for vehicles other than mechanically propelled vehicles; and

“Restricted Byway” means a highway over which the public have restricted byway rights, with or without a right to drive animals of any description along the highway, but no other rights of way.

2. Man made obstructions on the routes

Early in 2010 the Countryside Council for Wales (CCW) erected a new fence approximately 2.5 KM long along the NW boundary of Newborough Warren. This fence is shown with a blue pecked line on the maps at Appendices 3-8.

The new fence does not follow the historical boundaries of Public Carriage road E between ‘Cwt Gwlyb’ and the coast and, as a result, the route has become obstructed at several points:-

- Points A-B and Points C-D-E – the fence is on the highway. The legally awarded width of 10 yards should have been left unobstructed.
- Points B and E – the fence intersects the road.

This fence was erected without any consultation with the highways authority.

At some date (possibly 2010?) new fencing was erected by CCW across path 020 (Public carriage road D) and Footpath 002 (again without consultation with the highways authority) to allow horses to be grazed on the warren. With regard to Path 20, kissing-gates were provided in the new fence by the car park and near the foreshore. Rhosyr Community Council have written to the Council on 29 October 2013 pointing out that the kissing-gates are an obstruction of Public Carriage road D as they do not allow horse access.

A fence across Footpath 002 by the foreshore does not have a gate or stile and it completely blocks the route.

3. Other obstructions

At a number of points between A-B-C-D-E, Public carriage road E is obstructed by vegetation and sand dunes. As a result the public are now using a parallel route (shown in yellow on the maps at appendices 3-8) which is within the forest boundary. We have no information as to when the enclosure route first became obstructed and the alternative route started to be used, however this happened many years before the new fence was erected.

4. Power to authorise new gates and stiles

Section 147 of the Highways Act 1980 permits a highway authority to authorise the erection of stiles, gates or other works on a footpath or bridleway – and on no other highway – to prevent the ingress or egress of animals so that agricultural activities, including forestry and the keeping of horses, can be carried out efficiently. The authority, in granting authorisation, may make that authorisation subject to stipulations. In doing so it will specify the manner in which the structure shall be erected and maintained, such that if the stipulations are not met the structure is deemed to be an obstruction and is subject to the powers of removal under section 143 or section 333 of the 1980 Act.

As this power does not apply to Restricted Byways the Council cannot issue a licence to give retrospective consent for any gate across Public carriage roads D and E at this time. A licence can be issued for a new gate across Footpath 002 without any difficulty.

5.Land management

Newborough Warren has these statutory designations-

- Newborough Warren and Llanddwyn Island National Nature Reserve (NNR)
- Newborough Warren and Llanddwyn Island Site of Special Scientific Interest (SSSI)
- Abermenai Special Area of Conservation (SAC)
- Anglesey Area of Outstanding Natural Beauty (AONB)

Grazing; Natural Resources Wales (NRW) need to graze horses on the warren so a solution which allows maintaining lawful barriers across Path 020 has to be found. For the reasons explained above, Section 147 of the Highways Act 1980 cannot be used in this case.

Forestry; the Forestry Commission previously wished to keep horse riders off the permissive path along the forest edge.

Motorized use; the Council and NRW wish to prevent any use by MPVs as such use within a special area in the countryside is not considered acceptable.

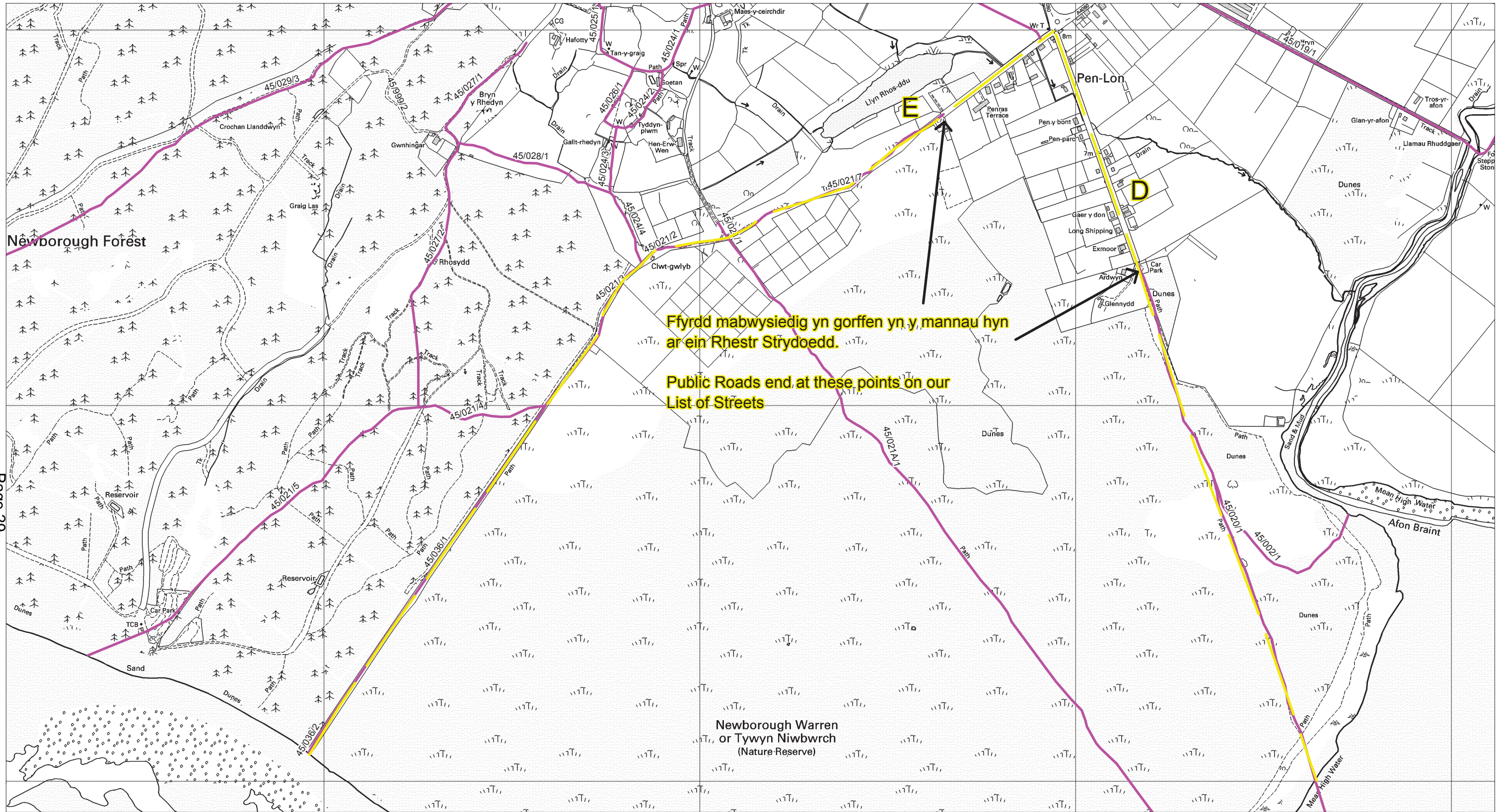
B/ The way forward

Following a recent meeting between NRW and the County Council the following actions are proposed to resolve these issues.

1. County Council to make a Definitive Map Modification Order under s53(3)(c)(ii) of the Wildlife and Countryside Act 1981 to amend the classification of Paths 021, 036 and 20 to Restricted Byway. The 10 yard legal width of these ways will also be recorded in the Definitive Statement.
2. Following confirmation of the Definitive Map order the County Council to make a diversion order under s119 of the Highways 1980 to realign path 021 & 036 as shown in Appendix 9. This will ensure that the used route and the definitive route of the Restricted Byway are the same. The proposed diversion also includes realignment at Llyn Rhos Ddu car park which NRW request for management reasons.
3. NRW to apply for a licence under s147 of the Highways Act 1980 to erect a gate in the fence line across Footpath 002 near the foreshore and to erect a gate as soon as possible.
4. County Council to make a Traffic Regulation Order (TRO) under section 22(1) of the Road Traffic Regulation Act 1984 (RTRA) for path 020. Under s22(1) RTRA a TRO may be made to protect special areas in the countryside and one of the relevant criteria is to conserve the flora, fauna, geological and physiological features of a designated area. The Council considers that a TRO to prevent use by all vehicles (including non MPVs) could be justified under s22(1). S95 RTRA allows the erection of bollards or other obstruction as the highway considers appropriate to enforce a TRO. It can include obstructions of any description whatsoever but must not be placed so as to prevent the passage of pedestrians. If a TRO is made we consider that, using the power under s95 RTRA, the two kissing-gates across the route

should be changed to bridle gates to allow horse access and prevent vehicles. A TRO suspends a class of rights and it can be withdrawn in the future by making a revocation order.

Arwel Evans
13 December 2013



**CYNGOR SIR
YNYS MÔN
ISLE OF ANGLESEY
COUNTY COUNCIL**



DEWI R. WILLIAMS B.Sc. C.Eng., MICE, MIHT
Pennaeth Gwasanaeth (Amgylchedd a Thechnegol)
Head of Service (Environment and Technical)

Swyddfeydd y Cyngor
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MANYLION:
DETAIL:

ATODIAD 1/ APPENDIX 1

-  Llwybrau Troed Cyhoeddus ar y Map a'r Datganiad Swyddogol
Public Footpaths recorded on Definitive Map and Statement
-  Ffyrdd Cyhoeddus a ddynodwyd yn 1843
Public Carriage roads awarded in 1843

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ageht

DYDDIAD:
DATE ISSUED:

19 December 2013

GRADDFA / SCALE:

Scale 1:10000 @ A3

CYF. GRID / GRID REF:

SH421639

Cyngor Sir Ynys Môn/ Isle of Anglesey County Council

Newborough

Award:	Llangeinwen and Llanbedr Newborough (W/MAPS/5)
Date:	1843

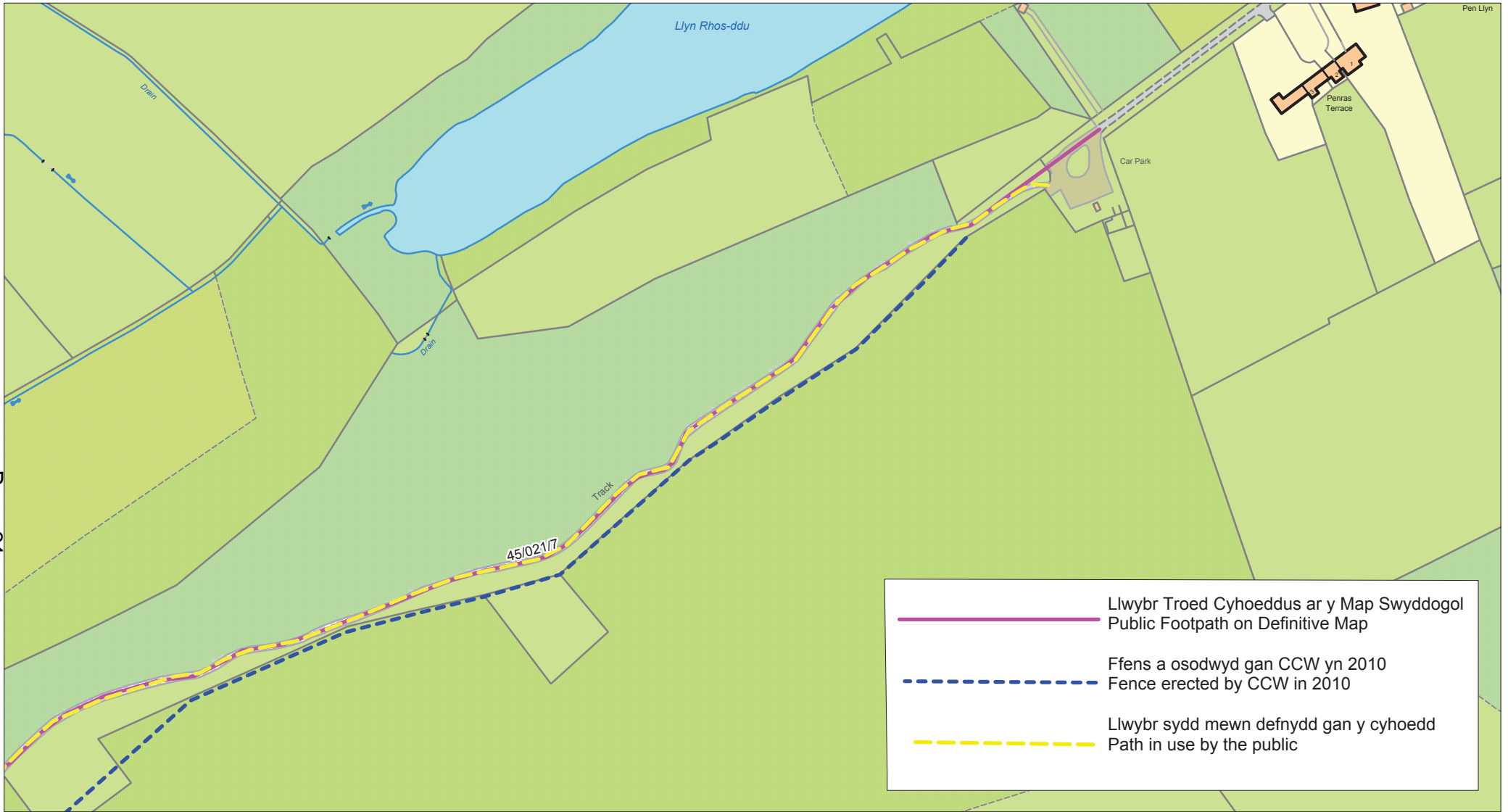
Location (grid ref)	Current Status*	Description in Award	Awarded Width
SH429650 - 436630	Road / public footpath	Public carriage road D	10 yards
SH409630 - 429650	Road / unrecorded / public footpath	Public carriage road E	10 yards
SH445655	Public footpath	Private carriage & occupation road H**	7 yards
SH448655	"white" road	Private carriage & occupation road J	7 yards
SH433652 - 440647	Public footpath	Private carriage or drift road L	7 yards
SH420645	Road / "white" road	Private carriage or drift road M	7 yards
SH416644?	Not shown on map	Private carriage or drift road N	7 yards
SH414668 - ?	Public footpath	Private carriage or drift road O	7 yards
SH417672 - 421670	Public footpath	Private carriage or drift road P	7 yards
SH421670 - 421699	"white" road	Private carriage or drift road Q	5 yards
SH421670 - 422671	"white" road	Private carriage or drift road R	5 yards
SH417663 - 417666	Public footpath / not on map	Private carriage or drift road S	7 yards

* information on status taken from OS Explorer map

** no reference could be found as to who was authorised to use private carriage roads

Extracts from Award:

"One public carriage road in Llanbedr Newborough marked D of the breadth of ten yards commencing at the North boundary of the parish and leading in a southerly direction over Newborough Common to the town or village of Newborough thence in the same direction to another part of the common and passing over the same to the Straits of Menai being the public road from Malltraeth to Aber Menai Ferry
One other public carriage road marked E of the breadth of ten yards branching out of the last described road in a westerly direction and afterwards in a southwesterly direction over the said common to the south west side thereof being the road from Newborough and Llangeinwen to Llanddwyn"



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COUNTY COUNCIL**

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Pennaeth Gwasanaeth (Amgylchedd a Thechnegol)
Head of Service (Environment and Technical)

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MANYLION:
DETAIL:

ATODIAD 3 / APPENDIX 3

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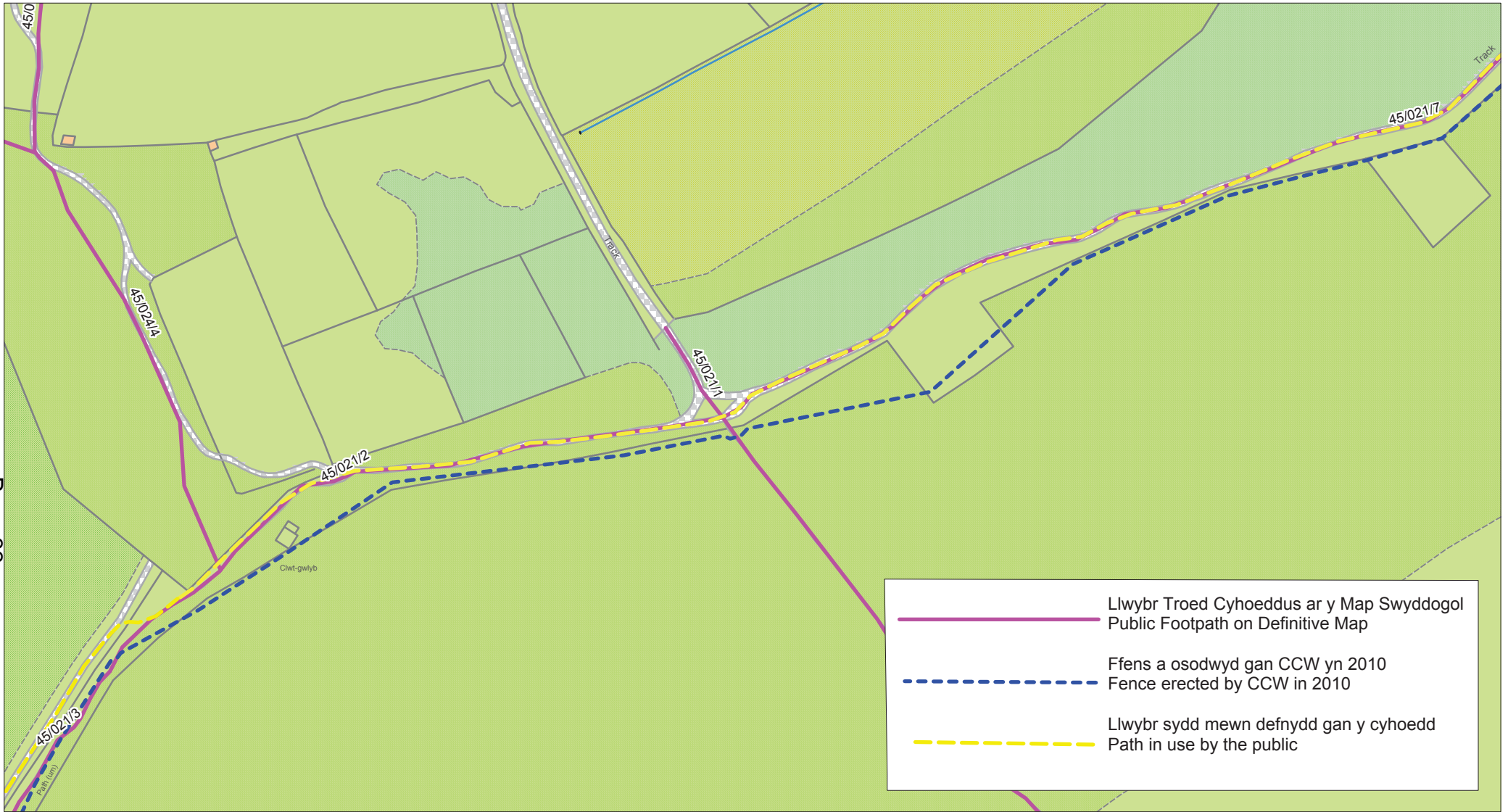
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DATE ISSUED:

6 January 2014

GRADDA / SCALE
Scale 1:2500

CYF. GRID / GRID REF
SH424646



	Llwybr Troed Cyhoeddus ar y Map Swyddogol Public Footpath on Definitive Map
	Ffens a osodwyd gan CCW yn 2010 Fence erected by CCW in 2010
	Llwybr sydd mewn defnydd gan y cyhoedd Path in use by the public



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MANYLION:
DETAIL:

ATODIAD 4 / APPENDIX 4

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MANYLION:
DETAIL:

ATODIAD 5 / APPENDIX 5

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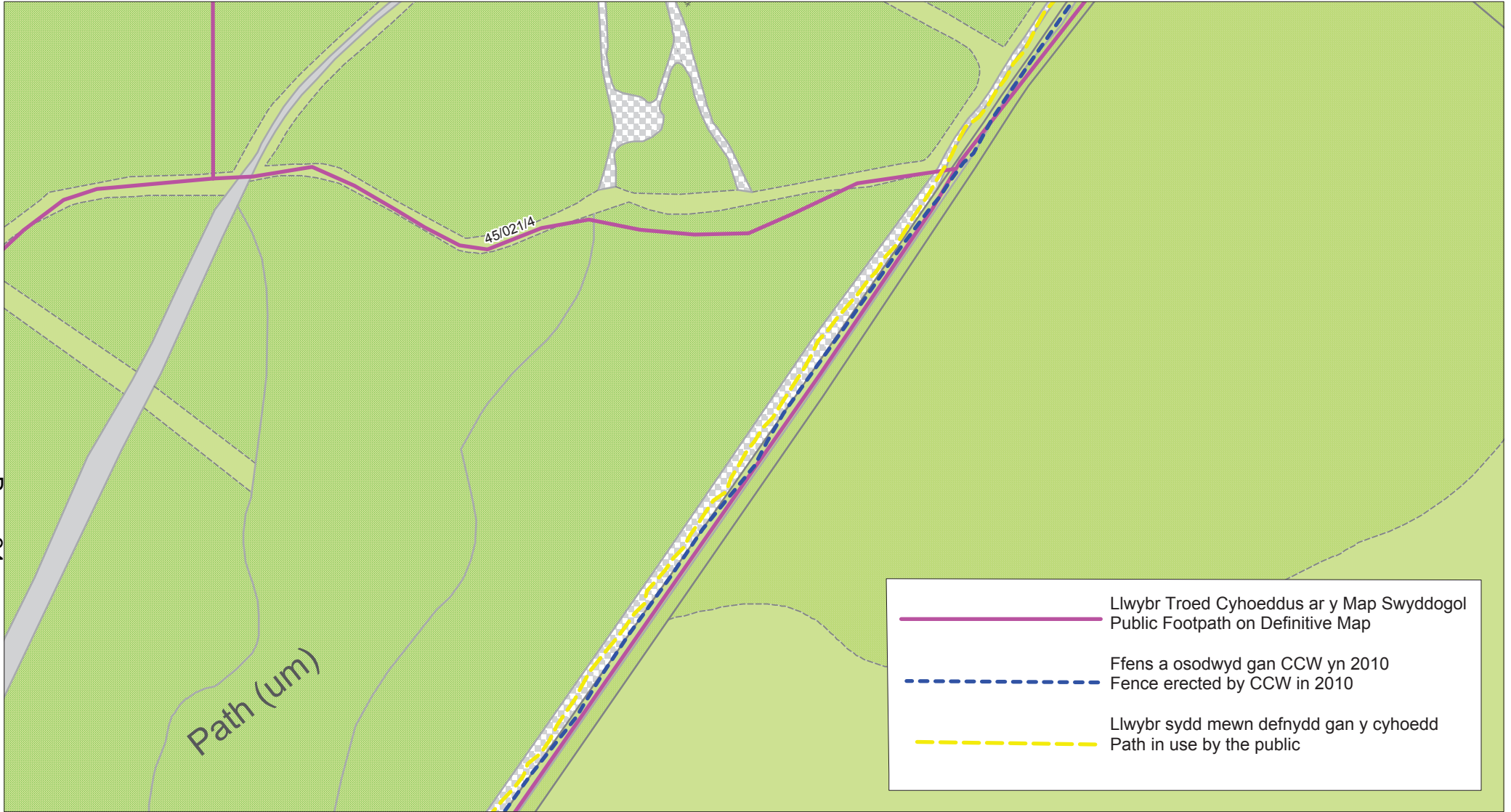
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MANYLION:
DETAIL:

ATODIAD 6 / APPENDIX 6

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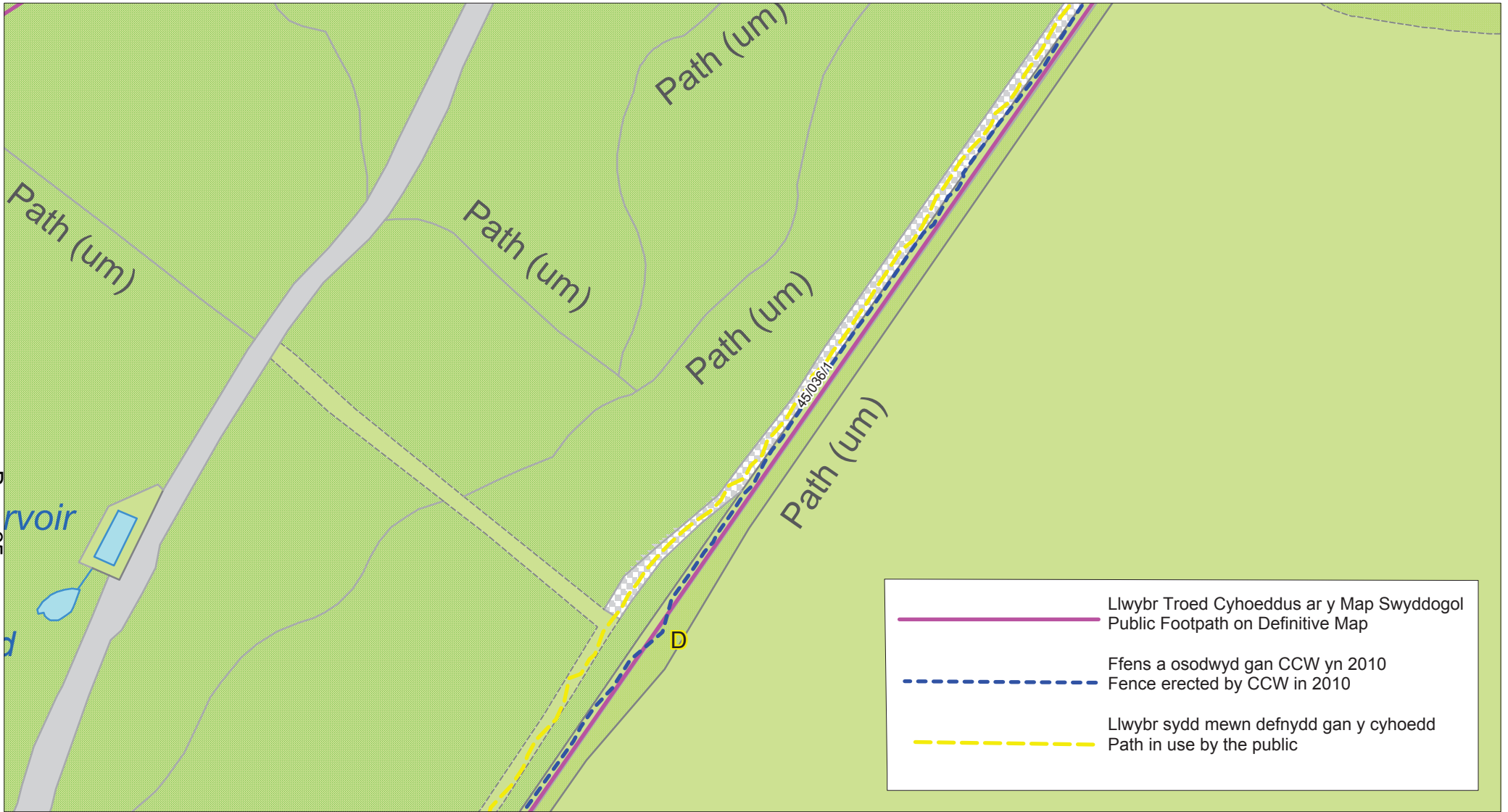
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CYF. GRID / GRID REF
SH414638



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MANYLION:
DETAIL:

ATODIAD 7 / APPENDIX 7

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CYF. GRID / GRID REF
SH412635



	Llwybr Troed Cyhoeddus ar y Map Swyddogol Public Footpath on Definitive Map
	Ffens a osodwyd gan CCW yn 2010 Fence erected by CCW in 2010
	Llwybr sydd mewn defnydd gan y cyhoedd Path in use by the public



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MANYLION:
DETAIL:

ATODIAD 8 / APPENDIX 8

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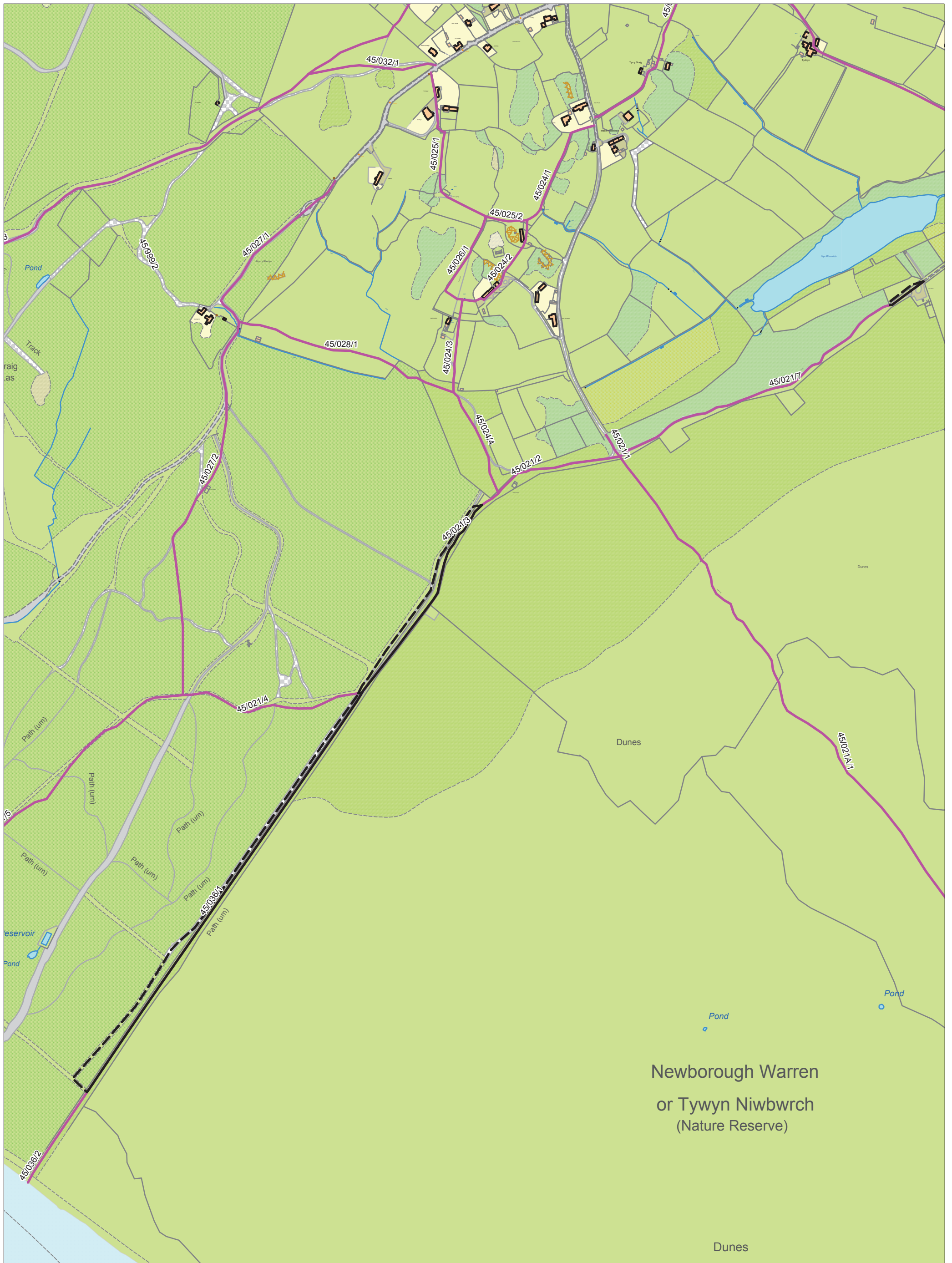
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DATE ISSUED:

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CYF. GRID / GRID REF
SH411632



Newborough Warren
or Tywyn Niwbwrch
(Nature Reserve)

Dunes



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MANYLION: ATODIAD 9 / APPENDIX 9
DETAIL: Llwybr i'w wyro/ Path to be diverted
 Gwyrriad arfaethedig / Proposed diversion

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