

**CYFARFOD PENDERFYNIADAU'R AELOD O'R BWRDD
GWEITHREDOL DROS YR AMGYLCHEDD
19 GORFFENNAF 2019**

Yr Aelod o'r Bwrdd Gweithredol:	Portffolio:
Y Cynghorydd Hazel Evans	Amgylchedd

**CAIS I YCHWANEGU LLWYBR CEFFYLAU YN
LLWYNTEG, LLANNON**

Pwrpas:

Cais am Addasu Map Diffiniol a Datganiad o Hawliau Tramwy Cyhoeddus Sir Gaerfyrddin ger Llwynteg, yng Nghymuned Llannon, o dan adran 53 ac atodlen 14 o'r Ddeddf Bywyd Gwyllt a Chefn Gwlad (1981).

Yr argymhellion/penderfyniadau allweddol sydd eu hangen:

Bod y cynnig i wneud Gorchymyn yn cael ei gymeradwyo

Rhesymau:

Mae'r dystiolaeth sydd ar gael ac a adolygwyd mewn perthynas â'r cais yn bodloni'r profion cyfreithiol a gyflwynir yn adran 53 (3) (c) (i) o'r Ddeddf Bywyd Gwyllt a Chefn Gwlad (1981), sef bod hawl tramwy na ddangosir ar y Map Diffiniol a'r Datganiad yn bodoli neu yr honnir yn rhesymol ei bod yn bodoli.

Y Gyfarwyddiaeth Enw Pennaeth y Gwasanaeth: Stephen Pilliner Awdur yr Adroddiad: Jason E Winter	Swydd Pennaeth Trafnidiaeth a Phrifyrdd	Rhif ffon: Cyfeiriad e-bost: SGPilliner@sirgar.gov.uk
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Declaration of Personal Interest (if any):

None

Dispensation Granted to Make Decision (if any):

N/A

DECISION MADE:**Signed:**

DATE: _____

EXECUTIVE BOARD MEMBER

The following section will be completed by the Democratic Services Officer in attendance at the meeting

Recommendation of Officer adopted	YES / NO
Recommendation of the Officer was adopted subject to the amendment(s) and reason(s) specified:	
Reason(s) why the Officer's recommendation was not adopted:	

EXECUTIVE SUMMARY

EXECUTIVE BOARD MEMBER DECISIONS MEETING FOR ENVIRONMENT

19TH JULY 2019

APPLICATION TO ADD A BRIDLEWAY AT LLWYNTEG, LLANNON

1. BRIEF SUMMARY OF PURPOSE OF REPORT.

The report is seeking the approval to make a Definitive Map Modification Order (DMMO) to register a previously unrecorded Public Right of Way following receipt of a formal DMMO application, made in the prescribed form, in July 2018.

The effect of the Order, if made and confirmed, would be to add a Public Bridleway to the Definitive Map & Statement of Public Rights of Way for the County of Carmarthenshire.

Under the Wildlife and Countryside Act (1981) the County Council has a statutory duty to ensure that the Definitive Map & Statement for the County is kept under continuous review and to make any necessary modifications to maintain an accurate legal record.

It is recommended that the application be approved as it is considered on the balance of probability that the relevant tests under section 53 of the Wildlife and Countryside Act (1981) have been met.

2. OTHER OPTIONS AVAILABLE AND THEIR PROS AND CONS

Section 53 of the Wildlife & Countryside Act 1981 places a duty on the Local Authority to keep the Definitive Map & Statement under continuous review, therefore we must process the application and determine whether or not to make the Order within 12 months of receipt in the prescribed form.

In the event that a landowner agrees with the existence of an unrecorded public right of way they may agree to enter into a Public Path Creation Agreement with the Authority or consent to a Creation Order. This is sometimes done as the most expedient way to record a Public Right of Way as the DMMO process is lengthy. Creation of the path by agreement can also allow for the adjustment of the route to a preferred alignment, where desired / agreed.

3. RECOMMENDATION

To make a Definitive Map Modification Order to add a Public Right of Way (bridleway) to the Definitive Map and Statement for Carmarthenshire, which is not currently recorded.

If approval is given to proceed to make an Order then it will be made and published for 42 days as required by the 1981 Act. Publication of the Order will provide an opportunity for further submissions to the Authority providing evidence in support or opposition to the existence of a bridleway.

DETAILED REPORT ATTACHED?

YES

IMPLICATIONS

I confirm that other than those implications which have been agreed with the appropriate Directors / Heads of Service and are referred to in detail below, there are no other implications associated with this report :

Signed: **Steve Pilliner**

Head of Highways & Transportation

Policy and Crime & Disorder	Legal	Finance	ICT	Risk Management Issues	Staffing Implications	Physical Assets
NONE	YES	YES	NONE	NONE	NONE	NONE

1. Legal

If approved a Legal Order will be made in accordance section 53 of the Wildlife & Countryside Act (1981) and associated Wildlife and Countryside Act Regulations (1993).

2. Finance

The cost of making, publishing and confirming the Order will be approximately £1000, depending on fluctuation in advertising costs. As a statutory duty, the County Council is liable for these costs. There may be additional costs if objections are received, and the Order is referred to Welsh Government.

CONSULTATIONS

I confirm that the appropriate consultations have taken in place and the outcomes are as detailed below

Signed: Steve Pilliner

Head of Highways & Transportation

1. Scrutiny Committee - N/A

2. Local Member(s)

Cllr. Emlyn Dole

Cllr. Dot Jones – no written response to consultation but requested a meeting with the Director of Environment, the Highways and Transportation Manager and the Acting Countryside Access Manager to discuss the case and pass on the concerns of her constituents whose properties are affected by the application.

3. Community / Town Council

Llannon Community Council – written response received as follows:

'Llannon Community Council recently considered this request and it was resolved that the Council wishes to object to the application. Although the Council does not have specific evidence with regard to the claim, it is considered that the proposed registration is inappropriate'

4. Relevant Partners

1. Mrs Karen Burch, Chair of Carmarthenshire Riders (applicant). Submitted formal DMMO application to the Authority with supporting evidence of public use of the alleged Bridleway.
2. Mrs C Hargrave (landowner) – objection received
3. Mr & Mrs Morgan (landowner) – objection received
4. Mr & Mrs Dyer (landowner) – objection received
5. Mr & Mrs Parkinson (landowner) – objection received
6. Mr N Buckley (landowner) – objection received
7. Miss E Jenkins (landowner) – objection received

5. Staff Side Representatives and other Organisations

1. Auto Cycle Union – no comments received
2. British Horse Society – no comments received
3. Carmarthenshire Riders - applicant
4. Byways & Bridleways Trust – no comments received
5. Cyclists Touring Club – no comments received
6. The Ramblers Association – no comments received
7. Area Ramblers Representative – no comments received
8. Carmarthenshire Local Access Forum – no comments received
9. Open Spaces Society – no comments received
10. Welsh Trail Riders Association – no comments received
11. Carmarthenshire Tourist Association – no comments received

Section 100D Local Government Act, 1972 – Access to Information

List of Background Papers used in the preparation of this report:

THESE ARE DETAILED BELOW

Title of Document	File Ref No.	Locations that the papers are available for public inspection
Llwynteg DMMO application.	RW2/33/71/ sub-file	Public Rights of Way, Mynydd Mawr Woodland Park, Heol Hirwaun Olau, Tumble, Carmarthenshire, SA14 6HU