

Meeting of:	Public Rights of Way Sub Committee
Date of Meeting:	Wednesday, 20 November 2024
Relevant Scrutiny Committee:	Environment and Regeneration
Report Title:	Application for Modification of Definitive Map and Statement Wildlife and Countryside Act 1981 s53(3)(c)(i) - From the Adopted Highway at Boverton Mill Farm to the Public Footpath no.3 at Summerhouse Point, Llantwit Major
Purpose of Report:	This report deals with a claim that a route running from the adopted highway at Boverton Mill Farm to the public footpath no.3 at Summerhouse Point Llantwit Major, should be recorded as a public footpath on the Definitive Map and Statement with a width of 3 meters
Report Owner:	Director of Place
Responsible Officer:	David Hunt, Countryside Access Manager (PROW)
Elected Member and Officer Consultation:	<p>Cllr Bronwyn Brooks - Cabinet Member</p> <p>Marcus Goldsworthy - Director of Place</p> <p>Phil Chappell – Operational Manager, Regeneration</p> <p>Irene Thornton - Senior Lawyer (Legal Services)</p> <p>Steve Pickering - Countryside Team Leader</p> <p>Ian Robinson - Operational Manager, Development Management</p> <p>Colin Cheeseman - Ecologist</p> <p>Michael Clogg - Operational Manager, Engineering</p>
Policy Framework:	This report is a matter for decision by the Public Rights of Way Sub-Committee

Executive Summary:

- The report details a claim that a route running from the adopted highway at Boverton Mill Farm to the public footpath no.3 at Summerhouse Point, Llantwit Major (see appendix) should be recorded as a public footpath in the Definitive Map and Statement with a width of 3 meters.
- The report sets out the relevant evidence and legal tests, including the weight that can be given to that evidence, to inform a determination on whether or not to make a Definitive Map Modification Order (DMMO).
- The relevant sub-committee is required to assess the evidence and determine whether to make an appropriate Definitive Map modification order capable of giving effect to that evidence, or to decline the application. In making the determination the sub-committee must base its consideration on the legal tests outlined in the appended investigation report.

Recommendation

1. That the Vale of Glamorgan Council makes a Definitive Map Modification Order in respect of the application.

Reason for Recommendation

1. As set out within the appended investigation report.

1. Background

- 1.1 As set out within the appended investigation report.

2. Key Issues for Consideration

- 2.1 The sub-committee is required to assess evidence and determine whether to make an appropriate definitive map modification order capable of giving effect to that evidence, or to decline the application.
- 2.2 In making the determination the sub-committee must base its consideration on the legal tests outlined in the appended investigation report.
- 2.3 The determination should be based upon the evidence provided and examine whether rights have already been established at some point in the past. The sub-committee is unable to take into factors relevant to the creation of new rights such as amenity, desirability or practicality of the routes.

3. How do proposals evidence the Five Ways of Working and contribute to our Well-being Objectives?

- 3.1 The Well-being of Future Generations (Wales) Act 2015 is about sustainable development. The Act sets out a 'sustainable development principle' which specifies that the public bodies listed in the Act must act in a manner which seeks to ensure the needs of the present are met without compromising the ability of future generations to meet their own needs. In meeting their sustainability duty, each body must set objectives that highlight the work the body will undertake to contribute to meeting the seven Well-being Goals for Wales.
- 3.2 The activities set out in this report will contribute to the national well-being goals and help ensure we have a resilient Wales, the five ways of working will be embedded throughout the response to determine the claim that a route running

from the adopted highway at Boverton Mill Farm to the public footpath no.3 at Summerhouse Point, should be recorded as a public footpath in the Definitive Map and Statements. We have worked collaboratively with other partners and consultation has taken place with the community in order to shape our response.

4. Climate Change and Nature Implications

- 4.1 The application has no effect on climate change or nature implications.

5. Resources and Legal Considerations

Financial

- 5.1 Resource implications are unable to be taken into account when determining Definitive Map Modification Order applications.

Employment

- 5.2 Resource implications are unable to be taken into account when determining Definitive Map Modification Order applications.

Legal (Including Equalities)

- 5.3 Determination of DMMO applications under s53 of the Wildlife and Countryside Act 1981 is a statutory duty. The authority have received a direction from the Welsh Ministers to reach a determination before the 21st January 2022.
- 5.4 The applicants are entitled to seek appeal of a decision not to make an order by serving notice of appeal on the National Assembly for Wales (Planning Inspectorate) and the Authority.

6. Background Papers

Investigation report and associated documents (appended).

The Vale of Glamorgan Council

Planning Sub Committee (PROW): 20th November, 2024

Report of the Director of Place

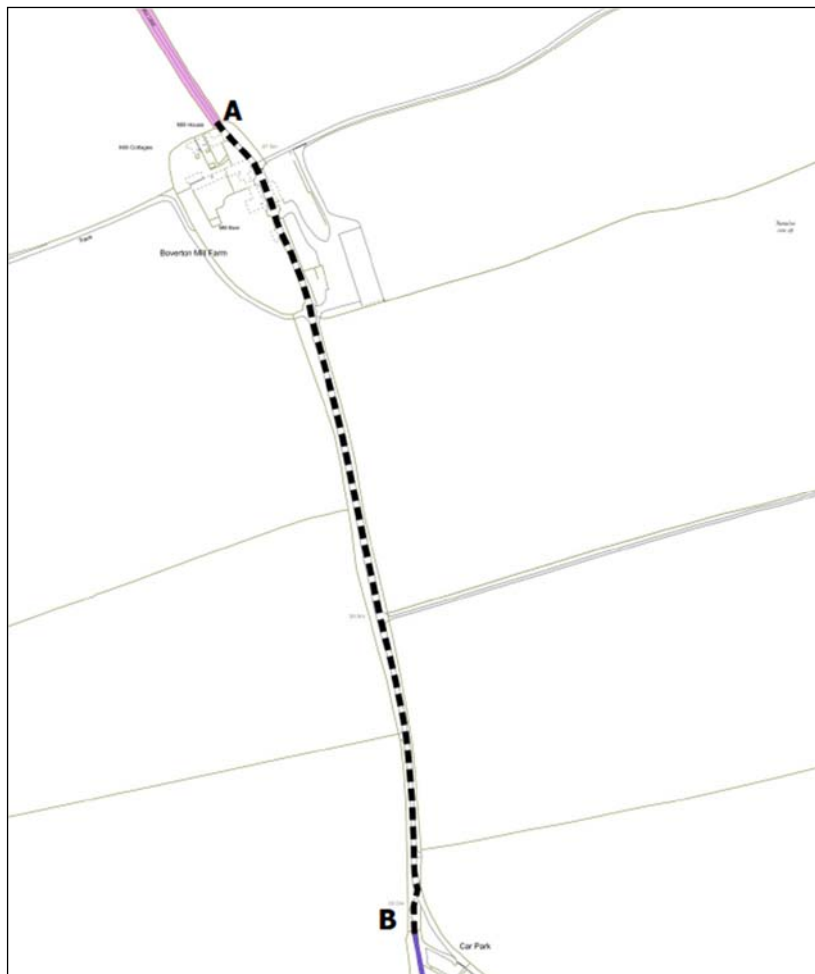
**Application for Definitive Map Modification Order
Wildlife and Countryside Act 1981 s53(3)(c)(i)
Boverton Mill Farm to Summerhouse Point**

Contents

1. AIM OF REPORT	2
2. LEGAL FRAMEWORK	3
3. BACKGROUND	9
4. USER EVIDENCE & STATEMENTS	12
5. DOCUMENTARY EVIDENCE	13
6. CASE ASSESSMENT	19
7. CONCLUSIONS	25
8. RECOMMENDATION	26
9. DOCUMENT LIST	27

1. AIM OF REPORT

- 1.1. This report deals with a claim that a route running from the adopted highway near Boverton Mill Farm to Public Footpath 3, Llantwit Major should be recorded as a public footpath on the Definitive Map and Statement with a width of 3 metres, as described in Appendix 1 and 2.
- 1.2. The effect sought by the application, if successful, is therefore to add a footpath A–B as shown below to the Definitive Map and Statement (Note: Indicative only. Full map in Appendix 6 should be referred to for correct scaling etc.):



- 1.3. The aim of this report is to set out the relevant evidence and legal tests including the weight that can be given to that evidence in order to inform a determination on whether or not to make a Definitive Map Modification Order (DMMO). The report will also consider the terms in which such an order, if agreed, should be made.

2. LEGAL FRAMEWORK

The Definitive Map and Statement

2.1. The Definitive Map and Statement are documents that provide legally conclusive proof of the existence and location of the public highways recorded in them to the extent detailed in section 56 of the Wildlife and Countryside Act 1981. The documents are conclusive in so far as they relate to footpaths, bridleways, restricted byways, byways open to all traffic and specified particulars pertaining to those.

Review of the Definitive Map and Statement

2.2. Section 53(2) of the Wildlife and Countryside Act requires the Vale of Glamorgan Council, as a surveying authority, to keep the Definitive Map under continuous review. This process of continuous review is carried out through the investigation of and/or making of Definitive Map Modification Orders (DMMOs) following discovery of evidence.

2.3. Section 53(2):

(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*

2.4. The events giving rise to the need for an order under 53(2) are set out in the subsections of 53(3) of the Wildlife and Countryside Act.

2.5. The application under consideration between Boverton Mill and Summerhouse alleges that an events under 53(3)(c)(i) of the Wildlife and Countryside Act has occurred:

Wildlife and Countryside Act 1981 s53

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

(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;...

2.6. The purpose of the review is not to create new rights or alter existing ones but instead to examine whether rights that already exist are correctly recorded. As such a DMMO is incapable of giving account to factors such as desirability, need, nuisance or suitability (though aspects of these may assist where they constitute evidence of past use). The effect of amenity, antisocial behaviour or other such circumstances arising from recording the route are unable to be taken into account.

2.7. To properly consider an application for a DMMO the council must assess whether an event giving rise to the need to modify the map has, at some point in the past, occurred. It should first identify an instance whereby those rights were called into question and then consider what evidence is available to demonstrate that those rights existed either as the result of the statutory provision for presumption of dedication as set out in Highways Act 1980 s31 or alternatively due to an inference of dedication at common law.

Presumption of Dedication – HA1980 s31

2.8. The Highways 1980 s31 is the statutory basis for the presumption of dedication of public rights, as below.

Highways Act 1980 s31:

(1) Where a way over any land, other than a way of such a character that use of it by the public could not give rise at Common Law to any presumption of dedication, has been actually enjoyed by the public as of right and without interruption for a full period of 20 years, the way is to be deemed to have been dedicated as a Highway unless there is sufficient evidence that there was no intention during that period to dedicate it.

2.9. The section contains numerous considerations that should be applied when determining the application. As such extracts from the section and a brief outline as to their effects are clarified below:

...other than a way of such a character that use of it by the public could not give rise at Common Law to any presumption of dedication...

2.10. It is a principle of Common Law that use cannot give rise to acquisition of rights if that use has been on the basis of a criminal offence.

...actually enjoyed...

2.11. Sufficient use of the way must be shown for the required period.

...by the public...

2.12. The use must be shown to have been by the public at large. Private use by employees, tenants or a particular category of people cannot qualify

... as of right...

- 2.13. For use to give rise to a presumption of dedication it must be 'as of right'. This means that use must be without force, secrecy or permission (*nec vi, nec clam, nec precario*).

... without interruption...

- 2.14. Interruption means actual or physical stopping by the landowner or someone acting on their behalf. This interruption must have been made with the intent to prevent the public using the way; interruption occurring for an unrelated purpose, such as building works or car parking, will not qualify.

... for a full period of 20 years...

- 2.15. The time period to be considered under the Highways Act 1980 is 20 years use prior to the date the way was called into question.

... no intention during that period to dedicate it.

- 2.16. The intention not to dedicate must be supported by demonstration of overt acts that have been sufficiently communicated so that the public at large are aware. Circumstances such as a letter between a landowner and the Council or a clause in a tenancy agreement would not be sufficient to show a lack of intention to dedicate.

Inference of Dedication - Common Law

- 2.17. If the criteria under section 31 (above) are not met, the Council should consider whether it can be reasonably alleged that a route has been dedicated under Common Law.

- 2.18. Common Law dedication differs from the statutory provision in so much as it does not require a minimum 20 years to be shown. Instead the shorter the period under consideration the more compelling the evidence of overt public use and acquiescence of the owner should be. Capacity to dedicate must also be shown (i.e. a landowner must be identified who was able to dedicate).

Burden of Proof

- 2.19. In determining the current application, consideration must be given to whether the documentary evidence and user evidence provided is sufficient to show that the way is, or is reasonably alleged to be, a public right of way based on the discovery of evidence under Section 53(3)(c)(i) of the Wildlife and Countryside Act 1981

- 2.20. In *Todd v Secretary of State for the Environment, Food and Rural Affairs* (2004) it was held that in the case of an Application under Section 53(3)(c) (i) (addition of a way to the map), in deciding whether to make an Order, the test to be applied is not whether the evidence establishes that a right of way exists, but whether a right of way can from the evidence reasonably be alleged to exist. If it can, the Authority must make the Order, i.e. notwithstanding that it may not consider that the evidence is sufficient to establish that the right of way does exist.

- 2.21. Should the Authority make an Order it will be advertised publicly and opportunity to object will exist. Any objections that are received and not withdrawn will result in the order being referred to the Planning Inspectorate for adjudication.

Route Status and Mechanically Propelled Vehicles

- 2.22. Public highways are simply expressions of rights that the public have over particular pieces of land. The below categories of public highway describe the rights that are capable of being recorded within the Definitive Map and Statement.

- **Public Footpaths** are highways over which the public have a right of way on foot only. They are differentiated within the Highways Act 1980 from footways, which are pavements alongside roads.
- **Public Bridleways** are highways over which the public have a right of way on foot and on horseback, or leading a horse. Section 30 of the Countryside Act 1968 expanded public rights on bridleways to include a right to ride bicycles.
- **Restricted Byways** are highways over which the public have a right of way on foot, on horseback or leading a horse, and by vehicles other than mechanically propelled vehicles.
- **Byways Open to All Traffic** are highways that carry rights for users of mechanically propelled vehicles though are used by the public mainly for the purposes for which footpaths and bridleways are used.

- 2.23. The public may however have rights that exceed or differ from the definitions above. As the definitive map and statement can only record the above categories then no order should be made within the DMMO process if it is determined that the land is subject to highway rights that do not fall within these definitions (e.g. if the application route is a county road mainly used for mechanically propelled vehicles).

- 2.24. Where it is alleged that the route carries rights for mechanically propelled vehicles it is appropriate to consider whether rights for such traffic exist, including the extent to which they represent the main use of the route in practice. This would have a material affect on determination of the application by informing whether the route could be added to the Definitive Map and Statement at all.

- 2.25. In doing so it is noted that s67 of the Natural Environment and Rural Communities Act 2006 (NERC 2006) had the effect of extinguishing unrecorded public rights for mechanically propelled vehicles subject to a number of exceptions. The exceptions are:

- (a) *it is over a way whose main lawful use by the public during the period of 5 years ending with commencement was use for mechanically propelled vehicles,*
- (b) *immediately before commencement it was not shown in a definitive map and statement but was shown in a list required to be kept under section 36(6) of the Highways Act 1980 (c. 66) (list of highways maintainable at public expense),*

- (c) *it was created (by an enactment or instrument or otherwise) on terms that expressly provide for it to be a right of way for mechanically propelled vehicles,*
- (d) *it was created by the construction, in exercise of powers conferred by virtue of any enactment, of a road intended to be used by such vehicles, or*
- (e) *it was created by virtue of use by such vehicles during a period ending before 1st December 1930.*

2.26. Exceptions were therefore broadly for highways that were part of the 'ordinary roads' network, or highways that had been expressly created or dedicated for mechanically propelled vehicles. In addition to ending existing unrecorded rights the scope for the future creation of public rights of way for mechanically propelled vehicles was curtailed in s66 by providing that they can only come into existence where they are expressly created for such vehicles.

3. LAND OWNER NOTIFICATION

- 3.1. The applicant confirms that the requirement of Wildlife and Countryside Act 1981 Schedule 14, Paragraph 2 have been complied with and that affected landowners have been notified.
- 3.2. A copy of the notices served and erected are included in Appendix 3 and 4. Notice confirming this to the Council is included in Appendix 5

4. BACKGROUND

- 4.1. The case relates to an unrecorded track running between the current extent of the adopted highway (shown pink in Appendix 6) near Boverton Mill to Public Footpath 3, Llantwit Major (FP 3). The track and FP 3 serve an area of Boverton known as Summerhouse Point. Llantwit Major Local History Society provide a useful account of historic interests at Summerhouse Point spanning many centuries in their publication *Llantwit Major: Aspects of History Vol. 2*. In particular Elwyn Gibbs' article 'Summerhouse Point' (2004) paints a detailed picture of the development of the area from ancient times to the late twentieth century.
- 4.2. The clearest indication of early use of the area results from the presence of an iron-age promontory fort at Summerhouse Point. It is posited by Gibbs (2004) that the fort is likely to have been constructed around the fourth century BC and that around this time its people would have benefited from prevailing extensive woodlands. Whilst of anecdotal interest in demonstrating the extent of historic activity such occupation precedes legal memory and the precise means of accessing the fort, if any distinct way was established, is unclear at this time.
- 4.3. Gibbs further describes the establishment of a Berton (Boverton) estate around 1090 for the purposes of supplying grain to the castle at Cardiff. The fields of the estate are reported to have remained unhedged until the 15th Century where upon they were let out in smaller enclosures. Around this time, during the late 15th Century, the first evidence of modern settlement at Summerhouse Point arose when a coney warren, engaged in farming rabbit pelts, was established on the former site of the iron-age fort. The means of accessing the warren at that time is not clearly presented in the evidence supplied though the warren appears to have been established around the same period as the formalisation of field patterns.
- 4.4. The existence of the warren is confirmed in a will of 1607 and a warrener's cottage with features typical of the period remains observable today. The cottage is reported to have been repurposed as a servants quarters in later years and incorporated into the walls of The Summerhouse, a marker of wealth constructed some time before 1730 and from which the locale draws its name.
- 4.5. The Summerhouse's presence is significant. It's owner, Mr Seys, 'appealed to the manorial court of Llantwit or Court Leet to declare the road leading to the Summerhouse to be out of repair and so shift the burden of maintenance onto the parish' (Gibbs 2004) in 1730. It is reported that this action is documented in the Court Rolls and speculated that the adequacy of the farm track for carriages rather than agricultural vehicles may have been a motivation. It has, however, not been possible to locate the Court Rolls referred to by Gibbs during searches of Glamorgan Archives and National Library for Wales.
- 4.6. The Summerhouse was sold in the early nineteenth century and passed through a series of private owners ending in Sir John Guest (Lord Wimborne) who retained it until the twentieth century. It remained habitable until the 1930s.
- 4.7. In 1815 the claimed track is shown on the first edition OS map extending beyond A-B to a pier constructed to the east of The Summerhouse. It is reported that the pier served a small boat, initially transporting lime, though continuing to operate after this

until the mid-19th Century and was known to be used by smugglers with incidents reported in a local newspaper.

- 4.8. The road to the beach is reported to have been in regular use by the Highways Surveyor of Llantwit Major, Orange Punter, during the mid-1800s. Records referring to the hauling of stones from Summerhouse, repairs to Boverton Farm Road and to Mill Road appear to demonstrate that the track was used to transport material from the beach for use in public repairs and that repairs at public expense were being carried out on the road itself at this time. These were recorded following the introduction of the Highways Act 1835 and record the cost, methods and length of route repaired.
- 4.9. Tithe and apportionment maps of [1842](#) show the track as a continuous bounded feature not distinguished from roads later adopted as public. The track is not clearly assigned a field number though runs into field 827, the associated [apportionment](#) describes field 827 as 9 acres 30 perches in quantity, which is the approximate measurement of the field excluding the roads that run into it.
- 4.10. The track is consistently shown on Ordnance Survey mapping. It's depiction in early one inch mapping includes a broken soft boundary along its western edge (OS one inch [1885-1900](#)), though subsequent editions at improved scales show a distinct bounded track (OS six inch [1888-1913](#); OS 1:10560 [1949-1969](#)) or bounded track incorporating soft verges (OS 25 inch [1892-1914](#)).
- 4.11. Later OS editions describe the track in terms consistent with county highway demarcation (OS 1:25000 [1937-1961](#); OS 1:1m to 1:63k [1920s-1940s](#)) or otherwise indistinguishable from the road leading to Boverton Mill (OS One Inch 7th Series [1955-1961](#)).
- 4.12. In 1932 The Hafod girls camp was established and supported outdoor recreational activities for its attendees. Access to the camp was via the track A-B. Activities persisted until the 1970s. It is reported that campers arrived by vehicle via the track every Friday and user evidence describes dances being held at the camp attended by locals who travelled to it by bus organised from Llantwit Major.
- 4.13. In 1934 the Special Areas Act was passed with the aim of providing relief to parts of the country affected by industrial depression. The methods included a land settlement scheme in which men previously employed in heavy industry were resettled and retrained as agricultural labourers. A Special Area Commissioner was appointed and charged with coordinating the scheme by cooperating with Government Departments, local authorities, voluntary organisations. The Commissioners had powers to acquire land and in February 1936 Boverton Place Farm comprising 652 acres was acquired supporting an initial 15 settlers. The garden village of Trebeferad was completed by the end of 1936 and a co-operative society formed on 1st April 1937. King Edward VIII visited Boverton with David Lloyd George on 18th November 1936 to inspect the scheme.
- 4.14. The land affected included that around Boverton Mill Farm. It is therefore likely that the track fell into crown ownership from February 1936. The scheme wrapped up in the late 1950s and in 1960 the land was auctioned on behalf of the minister for Agriculture, Fisheries and Food.

- 4.15. In 1973 the Glamorgan Heritage Coast project was established aiming to undertake conservation management of the landscape and habitat of the heritage coast, including A-B and the coast line that it served. The project was, and remains, very active in the area, producing interpretation information and on site work.
- 4.16. In 1984 the first review of the project's statement was published and it listed, amongst its achievements, the negotiation of an access agreement to Summerhouse Point including provision of a car park and maintenance of the ground of the former Summerhouse. An original leaflet published by the heritage coast on the history of Summerhouse Point indicates a new car park at the location now evident on the ground.
- 4.17. The Heritage Coast project played a key role in opening the Seawatch Centre on Nov 15 1986, which was accessed in a similar manner to the summerhouse and coast path via A-B. The centre occupied the site of a former coast guard lookout post constructed prior to the mid-1970s and attracted large numbers of visitors annually from schools across the region for educational visits who attended by vehicle (albeit initially this was supported by a license).
- 4.18. It is clear from user evidence that A-B has been well used for a long period of time, including by use in vehicles. In earlier years vehicular use was connected with the camp and later for onward trips to the seawatch centre, coast path and bay stopping at the car park. Reports indicate that use on foot and by cycle has been generally more frequent and typically for the purposes of recreation.
- 4.19. Users of the path were challenged in 2007. The 2007 challenge was reported to the local rambler's representative on 1st July 2007 and copied to the Council. Since this time signs asserting that the track is not public have been erected and users of the track have been periodically challenged in person.

5. USER EVIDENCE & STATEMENTS

User Evidence

User Evidence Forms

- 5.1. User evidence is summarised in a timeline at Appendix 7.
- 5.2. Thirty two user evidence forms (UEFs) have been submitted as part of the application and describe use from 1936 onwards. Of these five are completed in part only with two providing no indication of dates that the path was used. A further five submissions claim use since childhood though do not record a specific date range, in these cases they are shown in the summary coloured pale yellow and use is assumed from age 6.
- 5.3. The forms submitted describe use predominantly on foot (25 users) though a significant proportion of users also attest to motor vehicular use (17 users) and use by cycle is also represented (8 users). Each of the forms submitted, excepting five forms that are only completed in part, describe encountering others using the route. The nature of use appears to be primarily recreational, users typically describing using the road for the purposes of onward journeys to the beach or coast. Use towards connecting facilities served by the route are also described including visits to the camp in earlier years and seawatch centre more latterly.
- 5.4. Vehicular traffic more strongly follows a pattern of association with facilities. Mr Nigel Griffiths describes attending dances at the camp as a teenager via a bus organised from Llantwit Major. Mr Graham Morgan similarly notes that his late father ran a bus and taxi service from 1947-1960 and often carried staff, residents and school children to the village on a contractual basis whilst various users give account of trips by car to the car park.
- 5.5. Ten of the user evidence forms note the existence of signs in recent years since around the time of conversion of mill barns. Four of the UEFs note that they have been either challenged in person or are aware of others being challenged whilst using the route with some indication that this has been in recent years.
- 5.6. In addition to the user evidence forms two statements are also noted attesting to use of the track by mechanically propelled vehicle. One of these statements is by a person who has also submitted a UEF on which use of the route by foot was also indicated. The remaining statement is independent of a UEF provided in the context of support for mechanically propelled vehicular rights only, making no mention either supportive or against other forms of user.
- 5.7. In all the UEFs indicate that prolonged use by foot, cycle and vehicle has occurred along A-B associated principally with recreation and access to facilities at the end of the track. The nature of that use has been challenged since the occupation and conversion of barns at Boverton Mill, though no indication of challenge prior to this period is clearly made out.

6. DOCUMENTARY EVIDENCE

Documentary Evidence of Way & User (Chronological)

Estate Map for Edward Rose Tunnd (1817)

- 6.1. The applicant supplies a copy of a map described as an estate map for Edward Rose Tunnd in 1817. The map depicts numbered fields with routes that appear to be tracks left un-numbered. Whilst the un-numbered tracks approximate some highways now recorded as public this is not the case for all routes shown. A clear track is evident passing through Boverton Mill Farm, across A-B and to the reaches of the summerhouse. No distinction appears between A-B and its northerly extension, now adopted and buildings around modern day Boverton Mill Farm are shown segregated from the track.

Boverton Estate Statement of Property 1838-1817-1804 & Boverton Castle Estate and Schedule

- 6.2. Boverton Estate records depict and list the extent of property held in 1838 and further provide a comparison between descriptions of the land at that time and previous periods of instances of land transaction. The route A-B is shown within accompanying maps relating to both 1838 and prior eras as an unnumbered track continuing past Boverton Mill Farm to the Summerhouse. The accompanying schedule of property identifies and describes land within the estate according to field number. The schedule further lists number 61 as Roads and Waste. It is noted that no parcel identified as 61 appears on the accompanying map though numerous roads (including roads now recorded as public) are shaded ocre. It is therefore posited that entry 61 relates to those shaded tracks and that the estate considered these roads at this time.

Llantwit Major Highways Accounts & Court Leet Books

- 6.3. Entries within the Llantwit Major Highways Accounts and Manorial Court records describe numerous instances of public payments for maintenance Boverton Farm Road and Mill Road. These include payments for *hauling stones from Summerhouse* prior to 1845; *breaking and filling stones Boverton Farm Road* in 1845; numerous payments in respect of *Boverton Farm Road* in 1856; payment for maintenance on *11 perches of road near Summerhouse*; and references to having taken one load of stones from the beach at Boverton and repair of the road to the beach. Whilst Boverton Farm Road is presently undisputedly part of the adopted highway to the north of the farm prior to passing through references to the Summerhouse and extraction of materials from the beach lend weight to the notion that repairs were being carried out on the section A-B for public benefit throughout the 19th Century

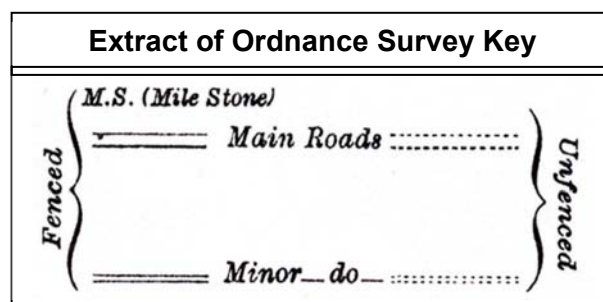
Tithe Map and Apportionment (1842)

- 6.4. Tithe maps were produced between 1838 and 1850 to ensure that all tithes were paid with money rather than produce. These are the most detailed maps of their period and the apportionments accompanying each map list the payable tithes, the names of the landowners and land occupiers, the land use, and in most cases the field names. No requirement to record public highways accompanied the drafting of Tithe Maps though incidental information can sometimes be included within the apportionment book.

6.5. The Tithe Map relevant to the current application was produced in 1842 and the record can be accessed by the National Library for Wales. The map describes the route as a continuous bounded track running to the cliff edge. The track is not clearly assigned a field number though runs into field 827, the associated apportionment describes field 827 as 9 acres 30 perches in quantity, which is the approximate measurement of the field excluding the roads that run into it. This would support the track itself being not being considered part of field 827. No other reference to the track can be found within the apportionment.

Ordnance Survey Maps 1897-1905 (1:2500), [1900 \(1:10560\)](#), [1897 \(1:63360\)](#)

6.6. Nationally, the first Ordnance Survey plans were produced in Southern England to meet military needs in anticipation of the Napoleonic wars. Later, this exercise was extended to the whole of the UK, giving rise to the County Series maps that were, in turn, refined and updated to meet National Grid standards during the mid-late 1800s.



6.7. In conducting the surveying exercise surveyors were charged by legislation to record all features on the ground. Where roads and tracks were observed they were represented by parallel dashed or solid lines. Solid lines would typically represent fencing, walls or hedges and dashed lines delineated features other than a physical structure or boundary.

6.8. Ordnance Survey's one-inch to the mile (1:63,360) series was intended as a 'touring, cycling and small-scale manoeuvre map, [with] the primary object being that the average man should be able to find his way about unfamiliar country with ease' (OS circular of 1909, quoted in Oliver (1993, p.35)). Essentially the one-inch is a general map, supplementing the main record of landscape change at the larger basic six-inch and 25-inch to the mile scales, so that minor changes may not appear even on full revision.

6.9. 25 inch, 6 inch and 1 inch maps published around the turn of the 19th-20th Century have been considered. Boverton Farm is clearly shown on more detailed scales of mapping with the building complex enclosing the track along side it. Whilst boundary lines are shown across the track a clearly defined route continues beyond it with dashed lines indicating a verge between solid harder boundaries. The remnants of an old lime kiln and a pier are identified to the east of the Summerhouse. At the lower 1 inch to the mile (1:63360) scale the route is shown continuously.

[Bartholomew 1904 \(126720\)](#)

6.10. Associated mainly with recreation, these maps were popular and influential. The series sold well, particularly with cyclists and tourists. Bartholomew based their half-inch maps on more detailed Ordnance Survey mapping at one-inch to the mile (1:63,360). The firm had published 'Reduced Ordnance Maps' of Scotland, England and Wales at this scale from the 1890s. These maps were progressively revised and updated with new information.

6.11. The route is clearly depicted within mapping as a continuous feature leading from Boverton to the Summerhouse.

Ordnance Survey Maps [1919 \(1:2500\)](#), [1921 \(1:10560\)](#)

6.12. Following the Ordnance Survey plans of the late 1800s, revised editions were produced in 1900 and 1921. In producing these plans surveyors were similarly charged by legislation to record features as observed on the ground.

6.13. There were, however, important distinctions between the later and earlier series particularly concerning the public extent of routes observed. Instructions for Field Examiners issued around 1905 stated that 'The OS does not concern itself with rights of way, and survey employees are not to inquire into them.' However in the same paragraph a note states that 'A clearly marked track on the ground is not in itself sufficient to justify showing a path, unless it is in obvious use by the public'. As such surveyors compiling the later editions were provided with instruction, albeit somewhat ambiguously, on annotating routes where they believed them to be public.

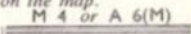
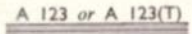
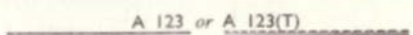
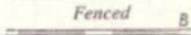
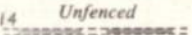
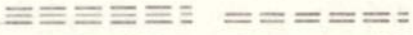

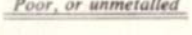
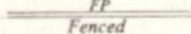
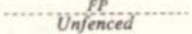
6.14. Maps from this era continue to show the route A-B bounded by farm buildings at Boverton Mill Farm and continuing south with enclosed boundaries. A solid feature crosses the route at approximately point B where it would enter into fields leading to the Summerhouse. Dashed tracks are depicted continuing through this ground to the Summerhouse and via two routes to the lime kiln and location of previous pier.

[Bartholomew 1941 \(126720\)](#)

6.15. The 1941 edition of Bartholomew's map continues to show the track in a similar manner to the 1904 edition (above).

OS Maps 1938-1954 (1:10560), [1948 Outline \(1:25000\)](#), [1948 Colour \(1:25000\)](#)

6.16. Depiction of A-B within the mid 20th Century series of Ordnance Survey plans continues to be consistent with earlier editions by describing a distinct track south of the Boverton Mill Farm buildings.

Conventional Signs		
<i>Note:- Road fillings and numbers are shown in orange on the map.</i>		
<i>Motorway, Trunk and Main Road (Dual Carriageway)</i>		
<i>Trunk & Main Road</i>		
<i>Secondary Road</i>		
<i>Road Under Construction</i>		
<i>Other Roads</i>		
<i>Footpaths</i>		

6.17. The OS 1948 1:25000 Colour edition however includes additional detail over that of others in the series by providing annotation that is descriptive of the character of routes. Within this edition A-B can be seen coloured as a continuation of the highway leading to Boverton Mill Farm and in a manner described by the key associated with the map (inset) as an *Other Road* with a *Good, metalled* surface.

Ordnance Survey Maps [1961 \(1:63360\)](#), [1964 \(1:10560\)](#), 1972-1975

6.18. The route continues to be shown clearly within Ordnance Survey mapping of the 1960s and 1970s. As in previous editions the track is cross by solid lines at

Boverton Mill Farm and at approximately point B. The nature of these features is unclear from mapping alone though may represent either furniture or a distinct break in the type of the surfacing.

Ordnance Survey Maps 1997

- 6.19. Ordnance survey mapping from the late 1990s continues to show the track as a feature extending south past Boverton Mill Farm to a car park. The track is shown uncoloured with shading consistent with county roads ending at Boverton Mill Farm.

Hafod Girls Camp

- 6.20. It is reported that Hafod Girls Camp opened in 1932 and photographs are provided depicting a variety of outdoor activities being undertaken. Route A-B served as access to the camp at this time.

Parish Survey Map

- 6.21. In 1949 the National Parks and Access to the Countryside Act introduced the first requirements to survey and record the location and existence of public rights of way. The first part of this exercise involved local surveyors examining routes by parish and identifying them on maps to be taken forward for consultation. The parish survey for Llantwit Major was carried out in 1951 and the contents of the map reflect the observations of the surveyor at that time.

- 6.22. At the time of production the parish survey map did not identify route A-B as being subject to a public right of way that would be required to be shown on the later Definitive Map. Shading has been applied to other public roads of a higher status, including the road to Boverton Farm, however this ends at the farm itself. Whilst it might be speculated that the shading represented the extent of roads considered at the time to be publicly maintainable the precise intention is unclear.

Particulars, Plans and Conditions of Sale ... Boverton. Glamorgan

- 6.23. These documents comprise auction particulars and refer to a County Council road maintained regularly by the Council running from Boverton to Boverton Mill Farm (thus stopping short of A-B). Conditions of sale in the document provide further inference that the track A-B was not considered public as part of the sale. Lot 1 was sold subject to a private right in favour of the owners of OS 969, through Boverton Farm 'commencing at the point that the public highway terminates'. The clear reference to the termination of the public highway at Boverton Farm implies access beyond that termination point (i.e. A-B) was not recognised in the same terms.

- 6.24. It is difficult to interpret the extent of the private rights due to the absence of the map accompanying the particulars of sale. The varying system of field numbering on successive OS maps means it is not possible to be precise about the locations described, though some indication exists that the rights lead to fields adjoining A-B. The land was also sold subject to similar private rights described as originally contained in a 1932 conveyance between Thomas Thomas, David Thomas and others, and Margaret Davies. It is difficult to conclude that the auction documents supported a view that A-B was public at that time.

License 1976 & 1982

- 6.25. A license, agreed on 16th December 1976, extended the private right of the trustees of Christian Camp (formerly The Hafod) to the public for all forms of user including mechanically propelled vehicles so to pass and repass along the road A-B Boverton Mill Farm to the Summerhouse. The license ran for a period of five years and was renewed by a new license to the same effect and for a further five years from 1st April 1982. No records exist of further renewals of the license. Some evidence that public access existed during the 1976-1987 period on the basis of a license, rather than as of right, therefore exists.

Car Park Planning Application 1979

- 6.26. During the period that the above licenses were active a planning application for construction of a car park was considered. The application referred to the above access agreement though also provided insight into the nature of use that was occurring along the track and around the Summerhouse and Beach at that time. The application refers to a rough track acting as a deterrent to tourists though acknowledges considerable local demand for access to Boverton Beach. Continuous use by locals and fisherman is referred to including problems caused by parked motor vehicles on verges and within the confines of Hafod.

- 6.27. The application therefore suggests that significant use was being made of the track by the public at this time, including by motor vehicle, albeit that at this time use was supported by a time limited agreement.

Glamorgan Heritage Coast Plan Statement - First Review

- 6.28. The 1984 review of the Heritage Coast Plan Statement outlined the achievements of the heritage coast project since its establishment in 1973 and first plan was published in 1976, as well as ongoing goals. Work that had been carried out at the Summerhouse to establish the access agreement described above was noted as one of the achievements along with goals to improve access further. The statement provides evidence that the agreements were being actively communicated to the public at this time.

Seawatch Centre - Newspapers, Photographs, Interpretation

- 6.29. The Seawatch Centre is located on the edge of the ancient promontory fort at the southern end of A-B. The track through Boverton Mill Farm and along the claimed route is the primary means of access from Boverton to the facility. Photographs of the building show it whilst still in service with the Coast Guard during the 1950s though later media reports describe it's conversion and reopening as an education centre.

- 6.30. Significant visitor numbers are reported, 3617 school children at the centre in 1990/91 who attended by bus. Such access would have necessitated travel along the track A-B, whilst this would have been facilitated in earlier years by the above licenses the centre continued to be promoted as an education centre during the decades following expiration of the agreements,

Llantwit Major Aspects of It's History - Vol 2

- 6.31. A significant amount of background and history to the area pertaining to the Summerhouse is contained within the publication and in particular Elwyn Gibbs'

article 'Summerhouse Point' (2004). Of clearest significance to the application is the report of an appeal to the Manorial Court in 1730 to declare the road leading to the Summerhouse as out of repair. Whilst primary evidence of this has not been uncovered it has been possible to substantiate further claims contained within the article that the road was maintained at public expense during the 19th Century.

Glamorgan Heritage Coast The story of Summerhouse Point

- 6.32. Leaflets produced by the Heritage Coast Project providing information on Summerhouse Point, including it's development and features, clearly make apparent to the public that the area is owned by a Trust and that access is provided on a permissive basis by them. This represents a further instance of the effect of the above licenses being communicated to the public

Coastguards report 2014-2018

- 6.33. Reports provided by the coast guard of use of the track in more recent years cover the period 2014-2018

Llantwit Major Guide, St Brides Community Council, Wales Coast Path Websites

- 6.34. Websites promoting recreational use of the destination refer to facilities at the southerly end of A-B, encouraging visitors.

Challenge to User 2007

- 6.35. A report from a representative of the local ramblers associated indicates that a member was challenged by a person that they took to be the owner in 2007. This may represent an interruption to use.

7. CASE ASSESSMENT

Pre-1930s

- 7.1. Academic sources provide an interesting insight into ancient activity around the area known as Summerhouse Point since the Iron Age. The early construction of a promontory fort left a significant mark on the landscape that would be repurposed throughout the subsequent ages.
- 7.2. The construction of a coney warren in the 16th century gives the first indication of modern use of Summerhouse Point and by implication the necessity for a means of access to it. Whilst it might be speculated that provision of a warrener's cottage, at a time when field patterns were being formalised, might have informed the layout of a way as a means of access to it no clear evidence of an early route following A-B has been submitted for this time.
- 7.3. The development of the Summerhouse, including incorporation of the warrener's cottage, appears however to have given further purpose to the need to access the point. Academic investigation by the Llantwit Major Historical Society in 2004 appears to have uncovered indication of the dedication of a track within court rolls so that it should be maintainable at public expense. It has not been possible, however, to locate the court records referred to and therefore it is unclear as to the specific terms and the extent to which dedication was clearly expressed.
- 7.4. Later records demonstrate that acts of maintenance were carried on behalf of the public at large throughout the mid-late 1800's. These records refer to Boverton Farm Road, Mill Road and also to roads near the Summerhouse. By this time Ordnance Survey mapping was available to capture the route of the path. A road was shown on these maps progressing south from Boverton Mill Farm through to the Summerhouse during the 19th century lending support to the notion that the route described by the record books incorporated A-B
- 7.5. It may further be inferred from the reference to hauling stone from the beach near Summerhouse within the same record book that section A-B was in use by the local highway surveyor. The activities and mapping, which throughout the 19th century mapping shows a track at A-B, appear to support the position that a route was accepted as public in 1730 and publicly maintained through the following century.

1930s-2007

- 7.6. From 1936 strong user evidence indicates that the track was in use by members of the public on foot and by vehicle. Use was often for the purposes of recreation or associated with visits to The Hafod camp. Some of these visits may bear the characteristics of use on the basis of private rights, such as camp attendees accessing the property by invitation to carry about the business of the camp. However user does not appear to have been limited to these purposes. Locals attended the camp from time to time and users also report having followed the track for access to the beach.
- 7.7. Whilst user from 1936 continued in a manner consistent with the earlier dedication of a public route the acquisition by the crown of the land in 1936 to support the operation of the Land Settlement Association appears to have given rise to a belief that public rights extended only so far as Boverton Farm. The Parish Survey of 1951

gives some indication of the road north of Boverton Mill Farm being shown in similar terms as the rest of the public road network and distinguished from the route to the south. It should be noted however that FP3 linking to point B of the application route was identified on this plan and remains unchanged today. Drafting FP3 so to truncate at a linear route is peculiar and a belief that A-B carried higher rights might offer a more rational explanation for not continuing along the track.

7.8. The sale of the land in 1960 included clear indication that public rights terminated at the farm and reserved private rights for holdings accessed by the track. The reason for the change in understanding is unclear, particularly given that user evidence forms are submitted by employees of the Land Settlement Association or those involved in the preparation of the 1960 sale documents and whom claim the track is properly public. No further evidence has been uncovered from archive searches that would appear to imply pre-existing rights were stopped up as a result of acquisition associated with the Land Settlement Association.

7.9. A-B appears to have been within crown ownership as a result of its acquisition associated with the Land Settlement Act 1934 from 1936 until 1960. The Royal Prerogative undermines the statutory basis upon which rights might normally be acquired under the Highways Act where land is owned by the crown. The Glamorgan Heritage Coast project, following its inception, were similarly minded to consider that public rights did not exist. Whilst it is clear that significant public use was continuing provision of a car park and access rights along A-B were negotiated subject to a license which was later made apparent to the public within their published review and interpretation leaflets. A 20 year period between sale of the land from the crown and access on the basis of license was therefore not completed. The license expired in 1987 and so the next 20 year period that could be considered ends in 2007. In 2007 the Council have clear indication that users were being challenged on the route.

7.10. Barriers to the acquisition of public rights therefore exist from 1936 onwards. Clear and overt acts of dedication and acceptance are however indicated prior to this period.

Route Status

7.11. The application is made out for recording of a public footpath. It is, however, appropriate to consider whether this correctly reflects the rights of the public as dedicated.

7.12. It has been posited that the motivation for appealing to the Manorial Court in 1730 may have been informed by the desire to improve the route to a condition suitable for horse and carriage. Whilst no primary evidence has been uncovered in favour of this the wide enclosed track which appears to have remained broadly consistent in character within historical mapping would appear to be supportive of more formalised traffic. References within the highways engineer's records to haulage of stone from the beach along the track, improvement of the surface and mapping evidence of its service of a pier on the beach may also lend weight to the track having been used and maintained for carts and carriages.

7.13. User evidence submitted is not limited to foot. It also includes pedal cycle and mechanically propelled vehicle throughout the time covered by user evidence forms. Use by mechanically propelled vehicle in particular has given rise to a question as

to whether the track should correctly be considered a county road and not recorded on the definitive map.

7.14. As noted above s67 of the Natural Environment and Rural Communities Act 2006 had the effect of extinguishing all unrecorded public rights for mechanically propelled vehicles. In order for vehicular rights not to have been extinguished a route had to fall into one of a number of exceptions to the general provision that were designed to encapsulate the ordinary road network. These are:

- (a) *it is over a way whose main lawful use by the public during the period of 5 years ending with commencement was use for mechanically propelled vehicles,*
- (b) *immediately before commencement it was not shown in a definitive map and statement but was shown in a list required to be kept under section 36(6) of the Highways Act 1980 (c. 66) (list of highways maintainable at public expense),*
- (c) *it was created (by an enactment or instrument or otherwise) on terms that expressly provide for it to be a right of way for mechanically propelled vehicles,*
- (d) *it was created by the construction, in exercise of powers conferred by virtue of any enactment, of a road intended to be used by such vehicles, or*
- (e) *it was created by virtue of use by such vehicles during a period ending before 1st December 1930.*

7.15. Notwithstanding that these are exceptions to extinguishment rather than basis for establishment of a right in themselves it is worth considering whether unrecorded vehicular rights could have withstood extinguishment before examining whether they had previously been established.

7.16. Evidence exists to suggest that public highway rights were established as a result of agreement of a manorial court in 1730. If this is accepted the origins of public dedication of the route appear to be grounded in a mechanism that preceded the invention of mechanically propelled vehicles. No later enactment, instrument or otherwise has been identified to suggest subsequent creation of specific additional vehicular rights. Exceptions in (c) or (d) are therefore not triggered. The earliest for public mechanically propelled vehicles is associated with Hafod, which was established in 1932. No further body of evidence supporting use by mechanically propelled vehicles prior to December 1930 that might trigger exception (e) has therefore been received.

7.17. It is not the case that A-B was shown in the list of streets immediately prior to the commencement of the Act (16 November 2006 in Wales) and therefore (b) does not apply.

7.18. The remaining exception in (a) requires that the *main* lawful use by the public between 16 November 2001 and 16 November 2006 be by mechanically propelled vehicles. As such mere lawful public use of the track by mechanically propelled vehicles is insufficient to qualify for the exception. The user must constitute the main

use in order for those rights not to have been extinguished in 2006. This is noted particularly in the context of the definition of a Byway Open to All Traffic (BOAT) contained within Wildlife and Countryside Act 1981 s66, which describes such a way as 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.

7.19. NERC 2006 would have the effect of extinguishing vehicular rights associated with such an unrecorded BOAT if it were not able to be otherwise included in exceptions (b)-(e).

7.20. As such it is appropriate to determine the main public use of the route during the relevant five years. This requires an examination of the comparative weight of user type.

7.21. In the case of A-B thirty-two user evidence forms covering 33 users were initially submitted in support of the application. Following consultation on the initial findings of the Council's investigation report a large number of statements were submitted attesting to use of the track and seeking withdrawal of the application in favour of recognition of the track as a road. These statements appear to have been generated as part of a campaign and followed a templated response. 171 such statements were referred to the County Council.

7.22. Of the 171 templates, 162 provide a standardised indication that they used the track to *walk and drive to the car park at Summerhouse Point*. No further information on frequency of use over the period specified on each is included or indication of frequency by user type and as such they are of limited value in determining the main use that was being undertaken. Where users have deviated from the template in the remaining 9 cases, 4 do not extend to use in the 5 years prior to NERC, 2 indicate more frequent use on foot than by car and 3 do not provide sufficient detail on frequency by user type to determine main use.

7.23. User Evidence Forms were offered to those submitting statements where return addresses were available in order to gather sufficient information to make a more reliable assessment of main use. 25 user evidence forms were returned in addition to the 33 users who initially responded. One user submitted an evidence form both initially and prior to consultation. The total number of distinct users described in evidence forms is therefore 57

7.24. Forty five of these users report use of the track either throughout the five years preceding commencement of NERC 2006, or during part of that period. Of the 45 users that report use during this time:

- 39 users reported use on foot,
- 10 users reported use by pedal cycle; and
- 36 users reported use by car.

7.25. Six forms were completed in part only, discounting these:

- 35 people reported use on foot,

- 10 users reported use by pedal cycle; and
- 31 by car.

7.26. User evidence forms also describe the frequency of use. The below table summarises the results for the user evidence during the 5 year period prior to the commencement of NERC 2006, including both those witness statements initially received and those submitted following consultation. Results are shown by frequency of use (part-filled forms included) and coloured by value in each column.

	Daily	Weekly	Monthly	Every Few Months	Once a year	Unspecified	Total
Foot	4	10	7	11	3	4	39
Pedal Cycle	0	4	1	2	1	2	10
Car	2	6	5	19	2	2	36

7.27. When considering the table it should be noted that numerous users attest to multiple forms of use. In respect of those forms that describe use during the five years prior to commencement of NERC 2006, 44 provide an indication of their frequency of use by user type. Of these:

- 21 users indicated non-vehicular use more frequently than by vehicle (or not at all by vehicle);
- 18 users indicated use by both vehicle and non-vehicle at a similar frequency;
- 5 users indicated use of a vehicle more frequently than by non vehicle (or not at all by non vehicle).

7.28. Notably of the user evidence forms received post consultation and which were invited from the 171 statements received, 20 described use during the 5 year period leading up to the commencement of NERC. Of these

- 7 users indicated non-vehicular use more frequently than by vehicle (or not at all by vehicle);
- 10 users indicated use by both vehicle and non-vehicle at a similar frequency;
- 3 users indicated use of a vehicle more frequently than by non vehicle (or not at all by non vehicle).

7.29. Whilst it is clear that substantial vehicular use had been ongoing during the 2001-2006 period the evidence provided within the application appears supportive of use mainly as a footpath or bridleway. Whilst this distinction is true of total users by type it is more stark in the *frequency* of use claimed by users. Only a sample of those submitting statements supporting recognition of the route as a road also elected to return user evidence forms post consultation. It is nevertheless perhaps surprising that the pattern of use within these user evidence forms also indicates

more frequent use of the track by means other than by mechanically propelled vehicle.

7.30. The quantity of statements reflect the depth of public feeling around the application under consideration. The Vale of Glamorgan Council, as surveying authority, are required however to consider not whether a route of a particular status is desirable but whether the Definitive Map correctly reflects the continued existence of pre-established rights. As the totality and frequency of use by user type does not support main use of the track by public motor vehicles it is suggested that if unrecorded rights for mechanically propelled vehicles had been established they failed to meet any exception in NERC 2006 s67 and as a result were extinguished in 2006.

7.31. Taking into account the likely historic motivations, character and use of the route, alongside the curtailment of any public mechanically propelled vehicular rights, it is suggested that the way would be most appropriately recorded as a restricted byway.

8. CONCLUSIONS

- 8.1. The route of the track A-B has been well established over a series of centuries. It is likely to have become maintainable at public expense in 1730 and was certainly being maintained at public expense through the 19th Century. The character of the route, facilities served by it and activities undertaken on it lend support to historic use by all categories of non-motorised vehicle.
- 8.2. Crown ownership from a period through 1936-1960 interferes with the statutory basis for acquisition of rights and the introduction of access by license, with steps to communicate it to the public, from 1976 to October 1987 frustrates this further. Challenges to use around July 2007 are also noted.
- 8.3. There is however no indication that any event that might have caused pre-existing rights to be extinguished upon acquisition by the crown occurred. As such the barriers to establishing rights post 1936 are immaterial as strong evidence exists in favour of those rights already having been established prior to this period.
- 8.4. It remains an open question as to whether mechanically propelled vehicular rights might have been established over the route. It is found however that no exception within NERC 2006 was triggered and as such any unrecorded vehicular rights that may have existed on the track would have been extinguished upon commencement of s67 of NERC 2006.

9. RECOMMENDATION

- 9.1. That the Vale of Glamorgan Council make a Definitive Map Modification Order to record a restricted byway from A-B

10. DOCUMENT LIST

- 001) Application.pdf
- 002) Application Plan.pdf
- 003) Landowner Notice.pdf
- 004) Site Notice & Locations.pdf
- 005) Notice of Landowner Notification.pdf
- 006) Draft Application Map.pdf
- 007) User Evidence Timeline.pdf
- 008) E01 Audrey James.pdf
- 009) E02 Graham Morgan.pdf
- 010) E03 Joan Elizabeth Davies.pdf
- 011) E04 Dennis Rees Davies.pdf
- 012) E05 Ian Colston.pdf
- 013) E06 Heather March.pdf
- 014) E07 Frederick John Roberts.pdf
- 015) E08 Patricia Ann Colston.pdf
- 016) E09 Mr and Mrs Brian and Eileen Bruten.pdf
- 017) E10 Gwyn John.pdf
- 018) E11 Anna Maria White.pdf
- 019) E12 Nigel Griffiths.pdf
- 020) E13 Huw Davies.pdf
- 021) E14 John Ball.pdf
- 022) E15 John Edward Devonshire.pdf
- 023) E16 Peter Lane.pdf
- 024) E17 Jean May Bispham.pdf
- 025) E18 Tim Fowler.pdf
- 026) E19 Vivienne Stephens.pdf
- 027) E20 Alan John Simmonds.pdf
- 028) E21 Chris Roberts.pdf
- 029) E22 Michael Devine.pdf
- 030) E23 Loraine Ruth Currie.pdf
- 031) E24 Elizabeth Mary Davies.pdf
- 032) E25 Daphne Elizabeth Morgan.pdf
- 033) E26 James Egan.pdf
- 034) E27 D R Collins.pdf
- 035) E28 A Young.pdf
- 036) E29 Jeff Evans.pdf
- 037) E30 Brenda Youde.pdf
- 038) E31 Elaine Davies.pdf
- 039) E32 Vale of Glamorgan Ramblers Group Member.pdf
- 040) IC Statement.pdf
- 041) SJ Statement.pdf
- 042) Copy of Estate Map of Boverton for Edward Rose Tunnd 1817.pdf
- 043) Boverton Estate Statement of Property 1838-1817-1804.pdf
- 044) Boverton Castle Estate and Schedule.pdf
- 045) Tithe Map (1842).pdf
- 046) Apportionment Excerpt (1842).pdf
- 047) Llantwit Major Highways Accounts 1836-1846.pdf

- 048) Highways Accounts 1836-1845 (Hauling Stones from Summerhouse).pdf
- 049) Highways Accounts 1845 (Filling Stones Boverton Farm Road) .pdf
- 050) Highways Accounts (Throwing Earth on the Mill Road) 1845.pdf
- 051) Highways Accounts (Boverton Farm Road) 1856.pdf
- 052) Highways Accounts (11 Perches of Road Near Summerhouse).pdf
- 053) Court Leet Beach Road Repairs 1903.pdf
- 054) OS 1868-1890 (2500).pdf
- 055) OS 1885 (10560).pdf
- 056) OS 1897 (63360).pdf
- 057) OS 1900 (10560).pdf
- 058) Bartholomew 1904 (126720).pdf
- 059) OS 1919 (2500).pdf
- 060) OS 1921 (10560).pdf
- 061) Bartholomew 1941 (126720).pdf
- 062) OS 1938-54 (10560).pdf
- 063) OS 1948 Outline (25000).pdf
- 064) OS 1948 (25000).pdf
- 065) OS 1961 (63360).pdf
- 066) OS 1964 (10560).pdf
- 067) OS 1972-75.pdf
- 068) Ordnance Survey Map titled Cardiff and Bridgend Revised 1997.pdf
- 069) HAFOD Girls Camp.pdf
- 070) Parish Survey Map.pdf
- 071) Particulars, Plans and Conditions of Sale ... Boverton. Glamorgan.pdf
- 072) 76-12-16 - Licence.pdf
- 073) 82-10-22 - Licence.pdf
- 074) Car Park Planning Application 1979.pdf
- 075) Glamorgan Heritage Coast Plan Statement - First Review.pdf
- 076) Gem covering page from November 15 1986.pdf
- 077) Newspaper article titled Awards for the Seawatch Boffins 1987-88.pdf
- 078) Newspaper article titled Coming Back Alive.pdf
- 079) Newspaper article titled Maritime Matters in Education.pdf
- 080) Photograph of Seawatch Centre taken in 1950's.pdf
- 081) Photograph of Seawatch Centre.pdf
- 082) Photographs of activity at Seawatch Centre.pdf
- 083) Seawatch Centre description on headed paper dated 1987.pdf
- 084) Seawatch Centre leaflet (older version in White).pdf
- 085) Seawatch Centre leaflet.pdf
- 086) Hand written letter from Ray Jenkins regarding his visit to Sea Watch Centre 2004.pdf
- 087) Annual Report of Seawatch Centre 1990-1991.pdf
- 088) Copy of pages 16-23 from Llantwit Major Aspects of It's History - Vol 2.pdf
- 089) Glamorgan Heritage Coast The story of Summerhouse Point.pdf
- 090) Coastguards report 2014-2018.pdf
- 091) Llantwit Major Guide Website details on Summerhouse Point 2018.pdf
- 092) St Brides Major Southerndown and Ogmre-by-Sea community website 2018.pdf
- 093) Challenge to User 2007.pdf
- 094) Vale of Glamorgan Council - Wales Coast Path details from web site.pdf
- 095) Official Copy (Register) - WA103725.pdf
- 096) Official Copy (Title Plan) - WA103725.pdf

- 097) ST-047-2015 Official Copy (Register) - CYM207585.pdf
- 098) ST-047-2015 Official Copy (Title Plan) - CYM207585.pdf
- 099) ST-057-2015 Official Copy (Register) - WA103725.pdf
- 100) ST-057-2015 Official Copy (Title Plan) - WA103725.pdf
- 101) ST-106-2016 Official Copy (Register) - CYM361309.pdf
- 102) ST-106-2016 Official Copy (Title Plan) - CYM361309.pdf