

COFNOD O BENDERFYNIAD WEDI'I DDIRPRWYO GAN SWYDDOG
RECORD OF DELEGATED OFFICER DECISION

Penderfyniad Allweddol | Key Decision ✓

Mae'r Penderfyniad Wedi'i Ddirprwyo hwn wedi'i bennu yn 'Benderfyniad Allweddol' gan ei fod yn debygol o:

This Delegated Decision has been established as a 'Key Decision' as it is likely:

a) arwain at y Cyngor yn ysgwyddo gwariant sylweddol neu wneud arbedion sylweddol;
to result in the Council incurring expenditure which is, or the making of savings which are, significant;

neu / or:

b) fod yn arwyddocaol o ran sut mae'n effeithio ar gymunedau sy'n byw neu'n gweithio mewn ardal sy'n cynnwys dwy etholaeth neu adran etholiadol neu ragor.
to be significant in terms of its effects on Communities living or working in an area comprising two or more electoral wards. ✓

c) Eraill / Other:

PWNC | SUBJECT: Assertion and Protection of Highway Rights – Vicarage Road, Cwmparc

DIBEN YR ADRODDIAD | PURPOSE OF THE REPORT:

In accordance with the Council's Scheme of Delegation, this report has been prepared to accompany the intended officer decision of the Director for Highways, Streetcare and Transportation Services.

To seek authorisation to assert the existence of highway rights over the access route at Vicarage Road, Cwmparc and to take enforcement action under the Highways Act 1980 to remove an obstruction that prevents the public from exercising those rights.

PENDERFYNIAD WEDI'I DDIRPRWYO | DELEGATED DECISION:

APPROVAL is given to assert the existence of highway rights over the access route at Vicarage Road, Cwmparc and to take enforcement action under the Highways Act 1980 to remove an obstruction that prevents the public from exercising those rights.

Llofnod y Prif Swyddog

Chief Officer Signature

 Stephen Williams	Director for Highways, Streetcare and Transportation Services	17.04.25
Enw (priflythrennau) Name (Print Name)	Swydd Designation	Dyddiad Date

Mae'r penderfyniad yn cael ei wneud yn unol ag Adran 15 o Ddeddf Llywodraeth Leol 2000 (Swyddogaethau'r Corff Gweithredol) ac yn y cylch gorchwyl sy wedi'i nodi yn Adran 5 o Ran 3 o Gyfansoddiad y Cyngor.

The decision is taken in accordance with Section 15 of the Local Government Act, 2000 (Executive Functions) and in the terms set out in Section 5 of Part 3 of the Council's Constitution.

YMGYNGHORI | CONSULTATION

	Councillor Andrew Morgan OBE Leader of the Council	17.04.25
LLOFNOD YR AELOD YMGYNG O'R CABINET CONSULTEE CABINET MEMBER SIGNATURE	ENW A SWYDD NAME AND DESIGNATION	DYDDIAD DATE

	Andrew Stone Service Director for Highways and Engineering	17.04.25
LLOFNODSWYDDOG YMGYNGHOROL CONSULTEE OFFICER SIGNATURE	ENW A SWYDD NAME AND DESIGNATION	DYDDIAD DATE

A FYDD Y PENDERFYNIAD YMA'N CAEL EFFAITH AR Y WARD?

WILL THIS DECISION HAVE AN IMPACT ON THE WARD?

BYDD | YES ✓**NA FYDD | NO****Unrhyw sylwadau pellach/Oes angen rhoi gwybod i'r Aelod Lleol:** ✓

Any further comments/Need for Local Member to be informed:

RHEOLAU'R WEITHDREFN GALW-I-MEWN | CALL IN PROCEDURE RULES.

A YW'R PENDERFYNIAD YN UN BRYN A HEB FOD YN DESTUN PROSES GALW-I-MEWN GAN Y PWYLLGOR TROSOLWG A CHRAFFU?:

IS THE DECISION DEEMED URGENT AND NOT SUBJECT TO CALL-IN BY THE OVERVIEW AND SCRUTINY COMMITTEE:

YDY | YES x NAC YDY | NO ✓

Rheswm dros fod yn fater brys | Reason for Urgency:

Os yw'n cael ei ystyried yn fater brys - llofnod y Llywydd, y Dirprwy Lywydd neu Bennaeth y Gwasanaeth Cyflogedig yn cadarnhau cytundeb fod y penderfyniad arfaethedig yn rhesymol yn yr holl amgylchiadau iddo gael ei drin fel mater brys, yn unol â rheol gweithdrefn trosolwg a chraffu 17.2:

If deemed urgent - signature of Presiding Member or Deputy Presiding Member or Head of Paid Service confirming agreement that the proposed decision is reasonable in all the circumstances for it being treated as a matter of urgency, in accordance with the overview and scrutiny procedure rule 17.2:

.....
(Llywydd | Presiding Member) (Dyddiad | Date)

DS - Os yw hwn yn benderfyniad sy'n cael ei ail-ystyried yna does dim modd galw'r penderfyniad i mewn a bydd y penderfyniad yn dod i rym o'r dyddiad mae'r penderfyniad wedi'i lofnodi.

NB - If this is a reconsidered decision then the decision Cannot be Called In and the decision will take effect from the date the decision is signed.

AT DDEFNYDD Y SWYDDFA YN UNIG | FOR OFFICE USE ONLY

DYDDIADAU CYHOEDDI A GWEITHREDU | PUBLICATION & IMPLEMENTATION DATES

CYHOEDDI | PUBLICATION

Cyhoeddi ar Wefan y Cyngor | Publication on the Council's Website:- 22.04.2025

DYDDIAD | DATE

GWEITHREDU'R PENDERFYNIAD | IMPLEMENTATION OF THE DECISION

Nodwch: Fydd y penderfyniad hwn ddim yn dod i rym nac yn cael ei weithredu'n llawn nes cyn pen 3 diwrnod gwaith ar ôl ei gyhoeddi. Nod hyn yw ei alluogi i gael ei "Alw i Mewn" yn unol â Rheol 17.1, Rheolau Gweithdrefn Trosolwg a Chraffu.

Note: This decision will not come into force and may not be implemented until the expiry of 3 clear working days after its publication to enable it to be the subject to the Call-In Procedure in Rule 17.1 of the Overview and Scrutiny Procedure Rules.

Yn amodol ar y drefn "Galw i Mewn", caiff y penderfyniad ei roi ar waith ar:

Subject to Call In the implementation date will be:

28.04.2025
DYDDIAD / DATE

WEDI'I GYMERADWYO I'W GYHOEDDI: ✓ | APPROVED FOR PUBLICATION :✓

Rhagor o wybodaeth | Further Information:

Cyfadran Directorate:	Highways & Engineering
Enw'r Person Cyswllt Contact Name:	Simon Pritchard
Swydd Designation:	Senior Engineer (Roads)
Rhif Ffôn Telephone Number:	07411 565587

DELEGATED DECISION

RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL

REPORT TO ACCOMPANY A DECISION OF THE DIRECTOR FOR HIGHWAYS, STREETCARE AND TRANSPORTATION SERVICES

16TH APRIL 2025

ASSERTION AND PROTECTION OF HIGHWAY RIGHTS – VICARAGE ROAD, CWMPARC

AUTHOR(s): Simon Pritchard

1. PURPOSE OF THE REPORT

To assert public rights of way over Vicarage Road, Cwmparc, where a gate has been installed without authorisation, and to initiate enforcement under the Highways Act 1980 to secure removal of the obstruction and re-establish lawful public access.

2. RECOMMENDATIONS

AGREED that:

- A notice is served under Section 143 of the Highways Act 1980 on the landowners responsible for installing the obstructing gate.
- The Council asserts that highway rights exist by virtue of over 20 years of public use.
- Officers are authorised to remove the obstruction and recover costs if the aforementioned notice is not complied with.

3. REASONS FOR RECOMMENDATIONS

As evidenced in Appendix A, public access has been exercised freely and openly since the 1970s.

There is strong local and national stakeholder support for reinstating access. The Council has a statutory duty to assert and protect the rights of the public to the use and enjoyment of the highway.

4. BACKGROUND

The route originated as an industrial incline and became an access route for the Forestry Commission in the early 1970s. The land that the route utilises was sold to a private owner in 1970.

The Forestry Commission enshrined access rights for themselves as part of the 1970 sale of land, implying that no dedication as a Highway was intended at that stage. It has been in uninterrupted public use by walkers, cyclists, and horse riders for over 50 years.

The route is the only direct access from the community of Cwmparc to designated open access land. Natural Resources Wales confirm its open and accepted public status.

A locked gate was installed by new owners in February 2025, preventing all access. The new owners are of the view that no public rights exist over this route. They state that when they bought the property, they were not informed of any potential access rights.

The current owners state that they have suffered persistent anti-social behaviour and that they believe they have the right to protect themselves and their privacy. Evidence collected includes statements from 18 individuals and organisations, historic mapping, digital route tracking.

There is significant public sentiment regarding the re-establishment of this route evidenced by a petition totalling more than 4000 signatories.

5. EQUALITY AND DIVERSITY IMPLICATIONS INCLUDING SOCIO ECONOMIC DUTY

An Equality Impact Assessment screening has been completed. Reinstatement of access will promote inclusive use for vulnerable groups, including older people, children, and those with limited mobility seeking safe, off-road active travel and leisure opportunities. A full EIA is not required at this stage.

6. WELSH LANGUAGE

All statutory and public notices relating to enforcement and consultation will be fully bilingual.

7. CONSULTATION

Consultation has been undertaken with:

- National access organisations (Ramblers Cymru, OSS, BHS Cymru)
- Local members and community groups.
- Over 4,000 public supporters via petition.
- NRW regarding land designation.

8. FINANCIAL IMPLICATION(S)

The cost of enforcing removal of the obstruction may fall temporarily to the Council but is recoverable from the landowner under Section 143(5) of the Highways Act 1980. Costs are expected to be minimal and manageable within existing budgets.

9. LEGAL IMPLICATIONS OR LEGISLATION CONSIDERED

- Highways Act 1980, Sections 130,137 and 143
- Section 31 – Presumed dedication through public use
- Equality Act 2010
- Well-being of Future Generations (Wales) Act 2015
- Local Government Act 2000

10. LINKS TO THE COUNCILS CORPORATE PLAN / OTHER CORPORATE PRIORITIES

PEOPLE AND COMMUNITIES – Encourages safe, active travel and social health
NATURE AND THE ENVIRONMENT – Protects public access to green space and scenic landscape
CULTURE, HERITAGE AND WELSH LANGUAGE – Supports community tourism and volunteer action

11. CONCLUSION

The access route at Vicarage Road, Cwmparc has been used by the public without interruption for over 50 years. A sudden obstruction has stopped the public using this route and triggered widespread concern. The Council has both a duty and sufficient evidence to act. Enforcement is recommended to restore public rights and uphold the law.

Appendix A – Argument Supporting Enforcement of Highway Rights at Vicarage Road, Cwmparc

1. Summary

On balance, it is considered that Rhondda Cynon Taf County Borough Council should enforce highway rights at Vicarage Road, Cwmparc. This conclusion is supported by a substantial body of evidence demonstrating historic public use, legal precedent, and strong community interest. While the Council acknowledges the concerns of the current property owners, these do not outweigh the statutory duty placed upon the authority to assert and protect the rights of the public.

2. Key Considerations

2.1 Presumed Dedication Under the Highways Act 1980

Section 31 of the Highways Act 1980 provides that where a route has been used by the public “as of right and without interruption” for at least 20 years, highway rights are presumed to have been dedicated. In this case:

- There is clear evidence of uninterrupted public use for over 50 years by pedestrians, cyclists, and horse riders;
- Use has been open, unchallenged, and encouraged by public authorities;
- No signage, barriers, or assertions of private ownership were present until early 2025.

The test for presumed dedication is satisfied on the balance of probabilities.

2.2 Duty to Assert and Protect Highway Rights

Section 130 of the Highways Act 1980 places a statutory duty on the Council to assert and protect the rights of the public. When presented with clear evidence that a public highway is being unlawfully obstructed, the authority must act.

While the property owners have expressed that they purchased the land in good faith and were unaware of historic use, this does not alter the legal standing of the route or the Council’s obligation to uphold public rights.

2.3 Consideration of the Landowner's Position

The Council recognises that the property owners have reported incidents of anti-social behaviour and feel their privacy and security have been affected. These are not uncommon concerns in areas with adjoining public paths and deserve sensitivity and support. However, these concerns must be weighed against:

- The broader and long-established rights of the public;
- The Council's legal duty to protect highway access;
- The proportionality of response: namely, that a complete obstruction of a public route is not a reasonable or lawful remedy.

The landowners' sentiments, while understood, cannot lawfully prevent the Council from fulfilling its statutory duty to protect a public highway.

2.4 Nature and Impact of the Obstruction

The gate erected in February 2025 blocks a long-used public route connecting residents with open access land. It has caused:

- Documented disruption to established walking and cycling groups;
- A measurable decline in access to local green space and public health resources;
- Significant local concern, evidenced by widespread public representation and national organisational support.

2.5 Public Interest and Proportionality

This matter has drawn consistent and wide-ranging support from:

- National access organisations (Ramblers Cymru, OSS, BHS Cymru);
- Local clubs, charities, and residents;
- Public health and environmental groups.

Reinstating access supports corporate and national priorities around active travel, public wellbeing, and community cohesion. The proposed enforcement action is proportionate and lawful.

3. Conclusion

Having reviewed the evidence, legal obligations, and views of all parties, it is concluded that public highway rights exist and the obstruction is unlawful. While the homeowners' concerns are acknowledged and respected, they do not override the Council's statutory duty under the Highways Act 1980. It is therefore recommended that enforcement action be taken under Section 143 to remove the obstruction and restore lawful public access.

Assertion and Protection of Highway Rights – Vicarage Road, Cwmparc

Evidence Document

Letter to Consider Road as a Public Highway



To Whom It May Concern,

I am writing to affirm that the road adjacent to my house at [redacted] Vicarage Terrace, Cwmparc (and also [redacted] has been, and was until 17th February 2025, when the highway was obstructed by the installation of large gates by the current owners of Ger Y Coed, a public highway. My family purchased our house in 1985, which means we have been residing here for approximately 40 years. Throughout this time, we have consistently used this road to drive our cars, turn them and access our property, including our garage.

This road has functioned as a public highway with no restrictions on its use whatsoever in all the time I have lived here, with the only restriction being imposed on public health grounds during the foot and mouth crisis when access to significant amounts of public land across the country was prohibited by law. The land up to the forestry gates has also been used as a parking area for the general public who wished to access the forestry and mountain above. I have witnessed its continuous use by the public, including a multitude of walkers who traverse this route to access the forestry and the mountain above. It has been pleasing to observe that they have never faced any restriction or requirement for permission to use this road. The same can be said of the many cyclists who have used the road to get onto forestry land, as well as horses and their riders.

During my residency, the adjacent buildings have changed ownership multiple times, with none of the owners ever attempting to restrict access to this road to anyone, nor have the previous owners needed to give any permission for people to use it. To provide specific details, the house known as Ger Y Coed has had the following owners:



[redacted] also owned the flat known as 1 Ger Y Coed during the time when the rest of the property was owned by [redacted] and also for some period of time when the rest of the property was owned by [redacted].

At no point have any of these owners imposed limitations on the usage of this road, further supporting its status as a public highway.

I firmly believe that the longstanding, unrestricted use of this road by both residents and the public alike confirms my belief that the road is and has been part of the public highway network.

Yours sincerely,

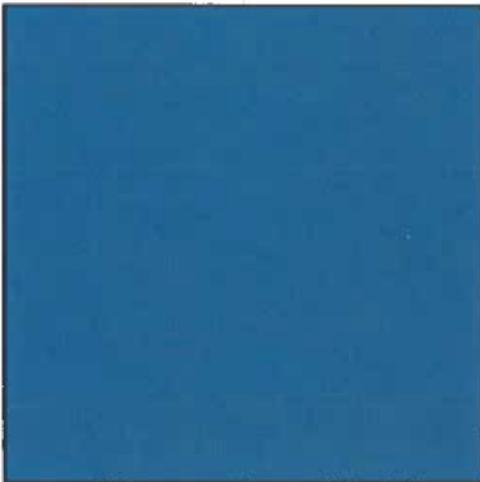
[redacted]

To Whom It May Concern:

I, [REDACTED] lived in Bryn Taliesin, Vicarage Terrace from 1971-1974 with my then-husband [REDACTED]. We moved into the property known as 1 Ger-y-Coed following its construction by my husband and his family on land owned by my father-in-law [REDACTED]. Following separation and divorce from my husband I became sole owner and occupier with my sons and later my second husband [REDACTED]. After the deaths of both my [REDACTED] and the subsequent sale of 2 Ger-y-Coed, I too sold and emigrated to Spain.

During the time I lived on the forestry road 1970-2015, there was always a right of access for pedestrians, cyclists and riders without any restrictions.

The forestry and mountains were always important to my sons and their friends whether scientific discovery or football on the 'Target' to the BMX track which opened in 1983.



To Whom it May Concern

I can confirm that both my husband and I lived at the property for 45 years. My late husband built the property (Gery Coed) at Vicarage Terrace Cwmparc.

During my entire residence at the property of 45 years the access to the side of the property was used as an uninterrupted public right of way without any challenge.

At one point the GB Rally passed through on the day of our wedding, with spectators and guests lining this right of way unchallenged (on our wedding day!!)

At no point did we ever consider this to be anything other than a Public Right of Way.

[REDACTED]

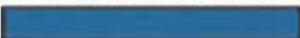
[REDACTED]





18th February 2025

RE: Access to Forestry Road and mountain via Vicarage Terrace, Cwmparc.

I am pleased to write concerning access to the forestry road and mountain in Cwmparc from Vicarage Terrace via the road adjacent to the properties at Ger-y-Coed. My family built both 1 & 2 Ger-y-Coed and the associated workshops and garages in 1974/75 which were later extended. 1 Ger-y-Coed was my family home from 1975 until 1995 and my mother remained there until 2015 when she retired to Spain. Furthermore, I lived for several months in my  then-house 'Bryn Taliesen' in 1972/73.

During these times stretching back more than fifty years there has been no restriction on pedestrian, cycle or indeed equestrian access to the mountain via the road that passes alongside Ger-y-Coed and Bryn Taliesen. There was unfettered access 365 days a year to the general public as a right. Indeed, it has been a popular route we used as children to play and explore the land. The road has been widely used by walkers and cyclists throughout the time I and my family lived in the property and we considered it part of the general highway. In the 1970s and 1980s the road was also frequently used by horse riders, and we even had had the occasional skier in wintry weather.

As a means to encourage the road's use by walkers, my grandfather even installed a bench that was used as a meeting place for some of the more senior regulars who walked the mountain. The construction, use and even formal competitions held at the BMX track documented in the 'Rhondda Leader' that was around half a mile up the forestry road would not have been possible were it not expected that the general public could access the open space of the forestry via this part of the highway.

Whilst my family's association with the property has now passed, for more than forty years the road alongside our properties has always provided a public accessway for users of the forestry road. Whether this was the elderly gentlemen walking his terrier, children at play, runners and mountain bikers and even rally cars, all passed up or down this road without any hindrance or obstruction. As a family we had always considered the road adjacent to the buildings at Ger-y-Coed were for the public benefit to allow them to obtain access to the open spaces above.



To Whom it may Concern

I write in support of removing the obstruction to the road at Woodland Terrace Cwmparc. I lived and grew up with my parents in Tallis Street Cwmparc and spent the majority of my childhood playing in and around the forestry and what we know as the target.

This is where I developed many skills including BMX Riding. I am the child pictured in the newspaper article on the far right.

The BMX course was developed not only for the youth of the surrounding area but also to attract the young generation into the area to compete at competition level. The track was developed and constructed by the then forestry commission with backing from the local authority. The only access to the track being via Woodland Terrace. If this road is not deemed to be a right of way or a highway how did the local authority and forestry commission expect access to be achieved.

This is just more evidence that this road has been a public right of way for over 40 years and has been unobstructed and continuously used for over 80 years. It is my belief that the local authority has the power and ability to remove the disputed obstruction to the road due to the vast amount of evidence and knowledge available not only via the public but also from the local authority's own records.

We look forward to the Local Authority acting and removing the obstruction at the earliest opportunity.

[Redacted]

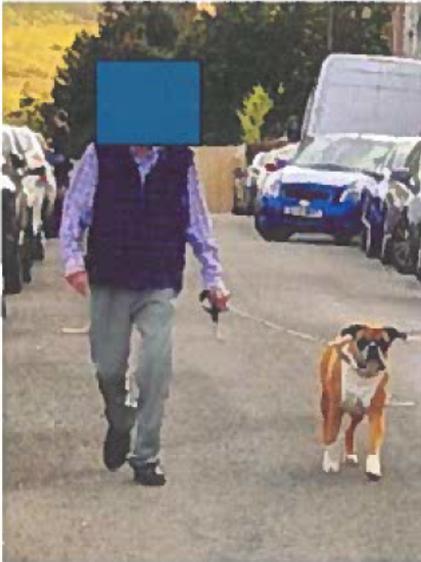
[Redacted]

To Who this May Concern

20th March 2025

I have lived on Vicarage Terrace all my life, with me now being the grand old age of 95. I have used this road for as long as I can remember as both man and boy without restriction or any challenge. This is absolutely heart breaking to take this away from our community without any justification.

I am more than happy for anyone to contact me for any further information I may be able to supply.



To: Simon.a.pritchard@rctcbc.gov.uk

Rhybudd: E-bost allanol yw hwn - sy wedi dod o sefydliad/unigolyn y tu allan i'r Cyngor. Byddwch yn wyliadwrus wrth glicio ar ddolenni neu agor atodiadau.

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Dear Simon,

With regards to the gate access at Vicarage Terrace Cwmparc, I would just like to confirm that I have ridden this route for over 50 years without any access issues throughout all of these years. Regrettably I have no photos of this as it was always taken for granted. Furthermore, my grand daughter, [REDACTED] who has ridden for the past 12 years considers this route as one of her favourite and safest off-road routes.

Hopefully, this issue can be brought to an end with all parties in agreement.

Kind Regards

[REDACTED]

[REDACTED] - Access to forestry via Vicarage Road Cwmparc

[REDACTED]

I have been a resident in Treorchy for the last 50 years and prior to that of Gelli Rhondda. During that time I have owned several horses and ridden all over the locality often in forestry areas to which I held a Permit to ride within the forestry. I used area the track leading from Vicarage Terrace to forestry on horseback on my own and with other riders many times over the years.

My first horse was stabled in Glyncoli Farm 1975 and I have had many friends over the years that have done the same riding as me because it is VITAL to have safe off-road riding of which there's not a huge amount via Bridleways in valleys.

In recent years it has been my voluntary role to represent horse riders and Equestrians in the Upper Rhondda valley as part of the British Horse Society. In this role I was active in keeping what tracks and access points open for riders on horseback. This would mean liaising with Forestry commission/NRW and RCT countryside officers, which would often require site meetings to review accesses, fencing, horse friendly gates and step-overs, of which there's some above Cwmparc on this track. It must also be known that I ensured that NRW recently maintained the horse step over by the side of the green barrier at the start of this access point of the track in question.

Rides from this area can lead to other areas and towns, nearest being Treherbert, Blaencwm and Baengwynfi known as the Cape road which is also a registered Bridleway.

As a family we have used this forestry track from Vicarage Terrace for many years whilst walking for exercise and for many health reasons and with my son's dog In recent times we use this track on e-bikes which is a superb exercise with the assisted peddling helping us to get up the main climbs on the roads. My husband who is 73 and rides up there regularly with my son who is 44. Not many activities you can do that bridges the age gap such as this.

We as a family are distraught that this access point from Vicarage Terrace is being prevented and we strongly support the removal of the obstruction that is the gates that's been erected at Ger y Coed house.

[REDACTED]

Obstruction to the Highway – Vicarage/Woodland Terrace Cwmparc, CF42 6NA.

For the Attention of Mr. Simon Pritchard Rhondda Cynon Taf Highways Department.

I have been a resident of Cwmparc for 49 years and lived on Vicarage Terrace for approximately 8 years. My connection to this area runs deep, as my family lived at 9 Vicarage Terrace for over 90 years, spanning multiple generations. For as long as I can remember I have personally used this highway without restriction or challenge. It has served as a critical road for recreation, exercise, community engagement and public safety.

The impact of this obstruction is far-reaching and has affected hundreds - if not thousands - of local residents, clubs, schools and organisations. This is not merely an inconvenience but a serious restriction of public rights, a potential safety hazard, and a detrimental blow to local education, well-being and community cohesion.

Public & Historical Use

The highway in question provides access to an area that has been recognised as public recreational land since the 1960s, when the Forestry Commission first began planting in the area (Appendix 1). For decades this route has been used extensively by:

- Walkers, hikers and runners
- Local athletic clubs
- Cyclists and mountain bikers
- Families and casual strollers
- Schools and educational groups
- Wildlife observers

The Forestry Commission - now Natural Resources Wales (NRW) - has designated the land under its control as "right to roam" under open access laws. The very presence of official public information signage at the entrance, as well as a horse step adjacent to the vehicle barrier, affirms that this route has long been recognised as a legitimate and unrestricted access point for the public. The highway leading up to the forestry road has never, until now, faced any restrictions or obstructions, and no valid reason has been presented for its sudden closure.

Legal and Public Rights Implications

Given that this highway has been used openly and without restriction for decades, it is highly likely that this access point meets the criteria for a Public Right of Way (PRoW) under Common Law or under the Highways Act 1980.

Under Section 31 of the Highways Act 1980, a route that has been used by the public for at least 20 years without interruption or explicit permission from a landowner can be deemed as a public right of way. This highway meets and exceeds this requirement, having been used for over 60 years.

If this obstruction is allowed to remain, it sets a dangerous precedent for the unjustified closure of other historic public access routes across Rhondda Cynon Taf. It is imperative that the Local Authority upholds public rights and ensures that this highway is reinstated.

Safety Concerns

Beyond the issue of public rights, the obstruction of this highway could present a serious safety risk.

- Emergency access and exit route (Appendix 2) this route is not just an entry into the forestry - it serves as a critical exit route for walkers, runners and cyclists. The area beyond the gate covers a large expanse of open-access land, with no other convenient exit points nearby. Those unfamiliar with the obstruction and already on the mountain may find themselves trapped or forced to turn back, which could be particularly dangerous in cases of injury, sudden bad weather or emergencies.
- Risk to runners and cyclists - as an experienced runner, I have completed numerous training sessions along this highway, as have members of Ferndale Triathlon Club, Rhondda Valley Runners and Rhondda Triathlon Club. The Strava data available shows over 900 individual athletes recording activities using this access, with over 10,000 instances of use for cycling alone (Appendix 3). This number is vastly underestimated, as it does not include those who do not track their activities this way. The locked gate creates a high-risk bottleneck at the end of this training route, forcing trainers to backtrack significantly.
- Limited access for less mobile individuals - many older residents, those with disabilities, and parents with pushchairs have historically used the highway for

gentle walks and exercise. The current obstruction makes access impossible for these individuals, depriving them of their right to enjoy outdoor recreation.

Public Opposition to the obstruction

Since the highway was blocked, the community response has been immense:

- A dedicated social media group demanding the removal of the gate has amassed 1,600 members.
- An online petition calling for the restoration of access has already gathered 3,907 signatures - a number that continues to rise. [https://chnng.it/Hmhi\\$95RYM](https://chnng.it/Hmhi$95RYM)
- Approximately 150 residents have submitted written objections, all of which are readily available for review.

This level of public engagement clearly demonstrates the depth of community feeling on the issue. It is not just a minor grievance; it is a major disruption to daily life and an unjust infringement on public rights.

Key considerations

1. The highway has been in continuous public use for decades without restriction
2. There are official public information signs and infrastructure (the horse step) confirming its public access status
3. Over 10,000 recorded instances of use demonstrate the importance of this route to the public
4. The obstruction presents serious safety hazards by limiting emergency access and safe exit routes
5. The obstructed highway directly disrupts local education and research
6. The overwhelming public opposition (petition, social media, statements) proves the extent of concern

We urge the Local Authority to consider all the information provided to ensure a correct and fully informed conclusion is reached. I would like to thank you in advance and should you wish to discuss my findings any further, please do not hesitate to contact me.

Many thanks



Rhybudd: E-bost allanol yw hwn - sy wedi dod o sefydliad/unigolyn y tu allan i'r Cyngor. Byddwch yn wylladwrs wrth glicio ar ddelenni neu agor atodiadau.

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Jason,

Please find below answers to the questions you raised:-

- **Any restrictions or exclusions of public access along this track/roadway?**
In relation to the track (forest road) through our managed land, we restrict this to informal quiet recreational activities i.e. walking, cycling and horse riding. As can be seen by the signage at the NRW forest barrier location (photo attached) unauthorised vehicular access is not permitted (particularly motorbikes, quads and 4x4). NRW has a sign placed on the third-party land (2 Ger y Coed) leading up to the forest, which states "No Unauthorised Access" which is to restrict unauthorised vehicular access on NRW managed land as noted above (photo attached). Vehicle access on NRW managed land is restricted to authorised and licensed parties only.
- **When the track through the forestry was constructed?** We have no historical records that indicate when the track (forest road) was constructed through our managed land. However, having looked at historical OS maps we believe the forest road was constructed sometime before 1974 as the track is detailed in the OS map (published 1974). Please see the following link: [Georeferenced 3D maps viewer - Map images - National Library of Scotland](#).
- **Any measures taken to prevent the creation of a public right of way such as the erection of notices or signs or the submission of a Section 31(6) statutory declaration to the local highway authority.** The signs we have erected are those described above which sets out that unauthorised vehicular access is not permitted over the track (Forest Road) on NRW managed land. We do not have any control over the accessway running through the neighbour's land (2 Ger y Coed).

If you have any further queries, please feel free to come back to me.

Kind regards

Phil

Philip Morgan
Arweinydd Tim Rheoli Tir / Team Leader Land Management
Rheolaeth Tir y De Orllewin / South West Land Management

Cymraeg

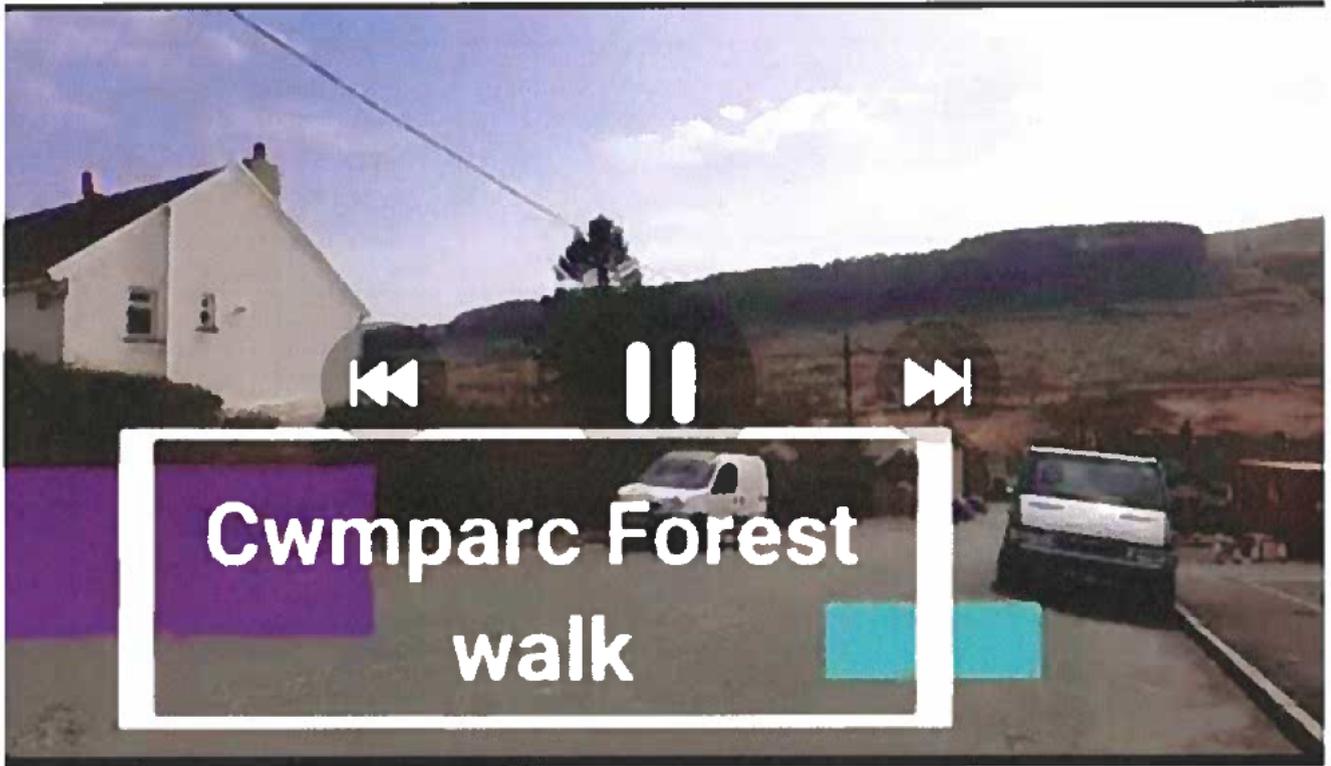
Croesewir gohebiaeth yn Gymraeg a byddwn yn ymateb yn Gymraeg, heb i hynny arwain at oedi.
Correspondence in Welsh is welcomed, and we will respond in Welsh without it leading to a delay.



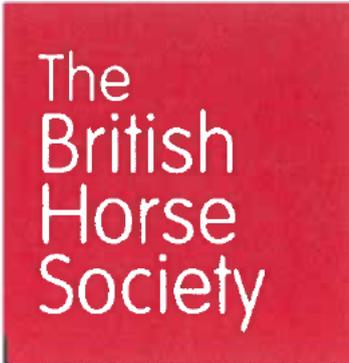
**Cyfoeth
Naturiol
Cymru
Natural
Resources
Wales**

**Byd natur a phobl
yn ffynnu gyda'n gilydd**
Nature and people
thriving together

cyfoethnaturiol.cymru



RCT Sports – Cwmparc Forest Walk Video (Currently Removed)



Charity Number 210504

Dear Mr Simon Pritchard,

Simon.a.pritchard@rctcbc.gov.uk

31 March 2025

Re – Access to Forestry via Vicarage Road Cwmparc.

The British Horse Society Cymru is writing to confirm support to re-open access to user groups.

The significance would make a considerable difference towards the promotion of safe off-road shared access for walkers, equestrians and pedal power. Experience of open spaces can be exchanged whilst enjoying the well-being benefits of engaging with and protecting nature. Families and groups from within and outside the community can share mixed activities responsibly.

Equestrians only have access in Wales to 21% of public rights of ways and horse drawn carriage driver's to only 6% so any upgrade that can help vulnerable user groups away from busy roads would be most welcome. A legal status would be preferable to a permissive route.

<https://www.bhs.org.uk/about-us/our-access-work/>

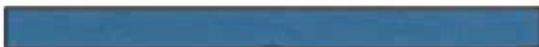
The Access Field officer for Cymru/Wales would like to offer any support and has a wide range of resources and collaborative working experience, balancing the needs of humans, animals and nature whilst enhancing the quality of access which is the objective of the BHS.

Cofion cynnes/kind regards,

Helen J. Lennan

BHS Swyddog Mynediad Cymru

BHS Access Field Officer Wales



Rhybudd: E-bost allanol yw hwn - sy wedi dod o sefydliad/unigolyn y tu allan i'r Cyngor. Byddwch yn wylidwrs wrth glicio ar ddolenni neu agor atodiadau.

Caution: This is an external email and did not originate from within the Council. Please take care when clicking links or opening attachments.

Dear Mr Pritchard

The Open Spaces Society, which is Britain's oldest national conservation body, and is a prescribed organisation to receive all notices regarding public paths, is deeply concerned to learn of the locked gates which are obstructing the unrecorded highway to the forest above Treorchy. We are aware that this is an extremely popular route which has great resonance with the local population, and it is disturbing that it is now illegally obstructed. We are aware that local people have gathered evidence of use and that the route ought to be recorded on the definitive map. I am sure they would be willing to go to court in defence of their rights, but it would be wonderful and fitting if the highway authority could step in and ensure that the gates are removed, perhaps by threatening action against the person responsible under section 137 of the Highways Act 1980, and also that it escalates the application to add this route to the definitive map.

So I wanted to confirm our full support of the #gategate campaign, and of Ramblers Cymru, and to offer our help should you need it.

All strength to you.

With best wishes

Yours sincerely

Kate Ashbrook
General Secretary
The Open Spaces Society
25a Bell Street
Henley-on-Thames RG9 2BA

email: hq@oss.org.uk

website www.oss.org.uk

The Open Spaces Society is a registered charity (no 1144840) and a company limited by guarantee, registered in England & Wales (no 7846516).

Support our legal-action appeal 2025

And help us fund legal action to protect the open spaces and paths we all love.

Read my blog at <http://campaignerkate.wordpress.com/>

The Open Spaces Society has staff with exhaustive experience in handling matters related to our charitable purposes. While every endeavour has been made to give our considered opinion, the law in these matters is complex and subject to differing interpretations. Such opinion is offered to help members, but does not constitute formal legal advice. Please obtain our permission before sharing, reproducing or publishing any opinion.

Rhybudd: E-bost allanol yw hwn - sy wedi dod o sefydliad/unigolyn y tu allan i'r Cyngor. Byddwch yn wylidwrs wrth glicio ar ddefenni neu agor atodladdau.

Caution: This is an external email and did not originate from within the Council. Please take care when clicking links or opening attachments.

Hi Simon,

Sorry for the delay but the Ramblers Cymru Team have been extremely busy this week as they sort out everything from the AGM.

This is an email from Kate Ashbrook, who chaired the discussion at Ramblers Cymru last weekend with the motion that was passed unanimously by all delegates across the UK. Kate is also the secretary of the Open Spaces Society and is a veteran of these types of issues, often winning them at the High Court. The email below covers two things and is part of a chain of discussions where we have been asked to write an article for Open Space magazine on the issues and campaign in Cwmparc.

Here is the resolution that was passed at the AGM as Kate drafted it. We are awaiting formal information back from the Ramblers on this but hopefully this will suffice in the mean time to show intent. I confirm that the resolution was passed unanimously and hope to get a press release out of Ramblers Cymru too.

I trust this information is useful to you.



Lovely to hear from you. All sounds good re *Open Space*. Let's think of one pic on the cover (portrait 135x150) and one with the story (landscape-shape better). The most striking should be on the cover—certainly of the locked gates must feature. Am just writing a blog about the stiles. Meanwhile, re the AGM motion, I sent this to the Ramblers on Sunday evening. I'm sorry no one's been in touch, I had assumed they'd put out a story and social media on Monday, but I guess not.

Kate

The following resolution was passed unanimously by the Ramblers Cymru AGM on 23 March.

This Ramblers Cymru AGM: -

- Congratulates the campaigners of Treorchy in Rhondda Cynon Taf on their courageous fight to reopen the obstructed path from Cwmparc to the forest, and offers its wholehearted support.

We call on Welsh Government: -

- to repeal the 2026 guillotine on historic paths; and
- to legislate for the swift addition of unrecorded paths (such as this one) to the definitive maps, and
- for highway authorities to have the resources they need to defend and maintain their rights-of-way networks, ensuring that paths are open and welcoming for all to enjoy.

9th March 2025

Evidence Statement from [REDACTED] Walk
Leader, Social Strollers, Welcome to our Woods.

Contact Details: [REDACTED]

To whom it may concern,

My name is [REDACTED] and I am a walk leader for the Social Strollers at Welcome to our Woods, who lives in Treherbert. I am submitting this evidence statement personally in support of the argument that the road between Vicarage Terrace, Cwmparc, CF42 6NA and the forestry has been used by me and the walking groups I lead for a number of years as a right. Due to transmission difficulties with video that has recorded these walks, I identify a series of links to videos showing the routes taken for key walks by the Social Strollers at Welcome to our Woods on key dates which are summarised in the table below. These walks are a sample of the many walks we have taken and this shows a number taken over the most recent five year period. At no time have been in any way prevented from walking along the road and path to the forestry from Vicarage Terrace, Cwmparc. Indeed had the road not been understood to be a highway or right of way then the group would not have taken that route.

Many of these walks have been recorded contemporaneously on a walk tracker called Relive. This produces a short video file for each of the walks showing the route taken along with some of the photographs of the key points along the walk including shots of Woodland Terrace and the entrance to the forestry. More photographs of the walk are available.

At no point have any of these walks been hindered by access issues and the route up to the forestry along the road from Vicarage Terrace was used as any other road that we had a perfect right to be on.

The key thing about this app, Relive, is that it uses GPS technology to trace the route of the walk which is shown as an animation on the video for each of the walks. The links to each of the videos for the walks is shown below along with screen shots from facebook of the walks being advertised at the time of those some of those walks.

Other walks have been undertaken by the Welcome to our Woods group as there is a separate walking group that meets on a Monday night called Social Striders.

Social Stroller - Walk Date	Link
12 July 2020. Walk from Treherbert to Cwmparc along the forestry road, returning via the main road after exiting the forestry at Vicarage Terrace	https://www.relive.com/view/3YtF9zWj8yy
9 December 2020 – Walk from Treorchy up to the Target via Vicarage Terrace and return by the same route.	https://www.relive.com/view/3AUIZxJedGyq
9 June 2021 – Walk to Target from Vicarage Terrace Cwmparc	No link – Facebook post added below
15 September 2021 – Walk up to the forestry via Vicarage Terrace	https://www.relive.com/view/3NOPYLnLP26
15 December 2021 – walk up forestry via vicarage terrace and return	https://www.relive.com/view/3POpdzkecRO

To Whom it may Concern

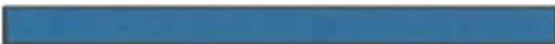
I'm writing this on behalf of Rhondda Valley Runners. We are a running club with around 80 members who usually run from Rhondda Sports Centre. We are writing in support of removing the gates to the forestry above Vicarage Terrace, Cwmparc.

Our group activities are mainly road based but most of us will use the trails, and especially Cwmparc, for a variety of reasons during the year. Several of our fitter members use the forestry trails, and particularly Cwmparc, on a regular basis for strength work preparing for the cross-country season and the hilly events such as the RACK Raid. The RACK Raid (Ruins and Castles and Keeps) requires running from Castle to Castle in Monmouthshire and Gwent over legs up to 13 miles long. The 10 mile loop to the top of the Bwlch and back is ideal preparation for these sorts of hilly races. Some members run in order to improve their mental health. The peace, tranquility and beauty of the forestry provides the perfect backdrop to switch off from the problems of everyday life. On various occasions during the year we will use the forestry roads for group activities and to simply give our members a challenge and a change of scenery.

Most of our members use the Strava app to record our training routes and times. I recently noted that I had run the Ynyswen Road Climb segment of this route 120 times since 2017 and that I was one of 157 different runners (only runners and not walkers, cyclists, horse riders or runners not on Strava) who had recorded times on this route. (Evidence attached.)

We have used this route as of right for many years. My Strava records go back to 2017 but I've been running the route since around 2011. Until the recent gate closure none of our members have faced any opposition to our access. To the contrary, the previous owner of the house was very pleasant and welcoming, and I always get a wave from the residents whose garden runs along the other side of the access road. The alternative routes on to this trail are far too difficult and dangerous to run on.

This gate across an established highway has removed the Club's access to our wonderful countryside from the town of Cwmparc. We have warned our members about the Temporary Closure of the route, but I'm particularly concerned about the irresponsible endangering of life for members of the public who arrive from the top of the mountain and find their way blocked. They may be unaware of the gates having followed OS and other publicly available maps. They will then face a 4.5 mile, 1200 feet climb back to the top of the Bwlch and already be exhausted and out of water and food. At the same time the gates will inevitably delay the emergency services from dealing with forest fires, accidents and similar incidents. We sincerely hope that access will be restored as a matter of urgency and in order to prevent a serious incident. We don't want to have a serious incident before it reopens.



To whom it may concern

5th March 2025

I write to you as the Chairman of Ferndale Tri Club and a previous member of The Rhondda Tri Club.

I first started accessing the Forestry Road above Vicarage, via the disputed highway in 1990

I first started racing mountain bikes for The Rhondda Cycle Centre Race Team and this access was the main training route to access to the Rhigos and Bwlch. Since then, I have used this road on a regular weekly basis.

I joined ACME Wheelers in around 2002 and raced for them in Welsh and British champs until 2013. MTB, road, time trial, cyclo x and track.

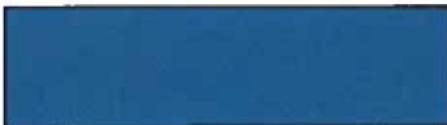
I became a member of Rhondda Tri Club in 2014 and then founded Ferndale Tri Club. Both clubs and all its members have actively used this Forestry Road via the access road since inception without any issue.

I have been a Fire Officer for 10 years and am currently Crew Manager at Green Watch Tonypany. The road is a regular commuting route for me as it's the safest descent and ascent off/on the mountain.

I have always considered the access road to the Forestry to be either a public right or the actual highway, there has never been any restrictions on the road in any of the time this has been used by myself or any of the clubs I have represented.

I have attached some of my Strava details to corroborate my statement in the hope that this obstruction can be swiftly removed.

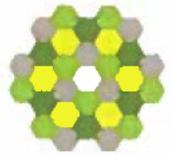
Regards



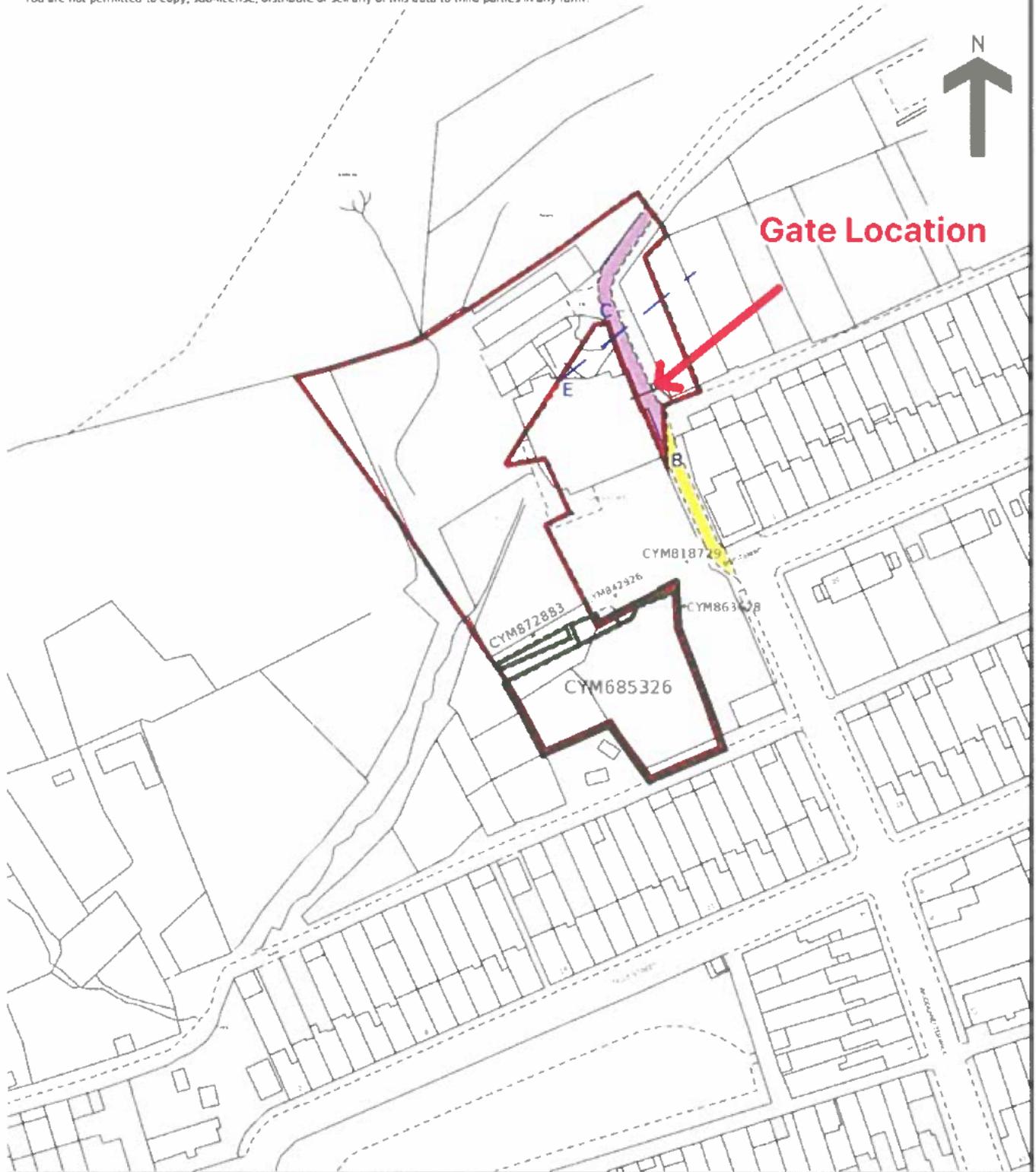
Enc .

HM Land Registry Current title plan

Title number **WA303343**
Ordnance Survey map reference **SS9496SE**
Scale **1:1250 enlarged from 1:2500**
Administrative area **Rhondda Cynon Taff / Rhondda Cynon Taf**



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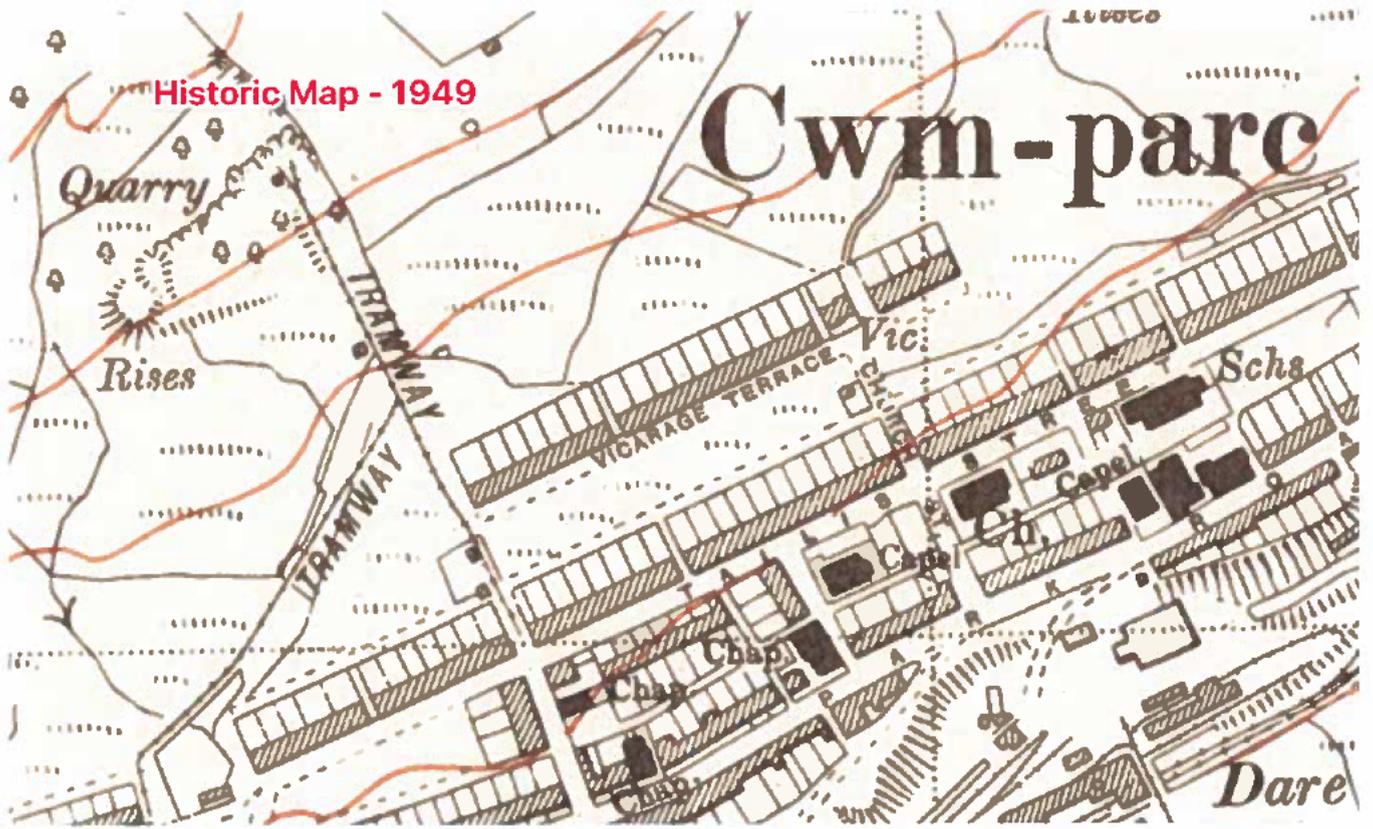
Current Satellite Image





Satellite Image 1991

Historic Map - 1949



Evidence of Public Use and intent for Use by the Public in respect of the Forestry Road above Vicarage Terrace Cwmparc, compiled by [REDACTED] on 9 March 2025.

This document shows a number of photographs taken on 8 March 2025 of the gate installed by the Forestry Commission / NRW. The photographs clearly show a horse step installed to facilitate the use of the forestry path by public who own horses. Given that the only accessway onto the forestry road is via the road up from Vicarage Terrace, we firmly believe that this is further evidence of the public use of the access road.

Photo 1 –Public Entrance Signage at the gates to Cwm Parc Forest from the road from Vicarage Terrace showing public were anticipated to be accessing the road as a highway



Photo 2 – Closeup of the entrance sign to the forest



Photo 3 – A signpost for the public at the entrance to Cwm Parc forest showing the types of vehicles that are prohibited.



Photo 4 – A horse step at the entrance to the forestry road showing an expectation that horses would travel along the road from Vicarage Terrace to the forest



Photo 4 – A horse step at the entrance to the forestry road showing an expectation that horses would travel along the road from Vicarage Terrace to the forest



Photo 6 Another view of the Horse Step taken from the forestry side of the gates



Photo 7 – Another view of the horse step ultimately showing public access