



LLANHARAN COMMUNITY COUNCIL

Minutes of the Open Spaces Committee, Rights of Way and Allotments Committee (ORA) held remotely at 7.00pm on Tuesday June 8th 2021.

The meeting was held on a remote basis in accordance with:
The Local Government and Elections (Wales) Act 2021

Present:

Councillors Chris Parker (Chair of the ORA Committee and Chair of the Council), Helen Donnan, Jeff Williams, Janine Turner,

Co-optees to the ORA Committee Mark Steer.

Project Officer/Assistant Clerk to the Council and Officer for this Committee. Leigh Smith

Clerk to The Council/RFO. Tracey Rees.

Absent: Councillor Parmindra Pannu, Ollie Wicks.

ORA2021/018 Welcome, introductions, and apologies for absence
Councillor Chris Parker (Chair) welcomed everyone to the meeting.

There were apologies received from Councillor Parmindra Pannu, Ollie Wicks

ORA2021/019 Disclosures of Interests

There were no disclosures of personal and/or prejudicial interests from members in accordance with the Code of Conduct.



ORA2021/020 Minutes

The minutes of the ORA Committee meeting held remotely on Tuesday 6th April 2021 at 7.00pm were approved as a true and accurate record of proceedings.

ORA2021/021 Matters arising

None

ORA2021/022 Election of Vice-Chairperson

Recommended – Councillor Helen Donnan to be elected as Vice-Chairperson of the ORA Committee.

ORA2021/023 ORA Action plan

The action plan was noted.

ORA2021/024 Public Speaking Slot

No members of the public were present.

ORA2021/025 Footpath to the north of Talyfan Road (RAN 6/1)

Recommended – The Project Officer/Assistant Clerk to obtain quotes to infill the damaged section of the path with suitably sized aggregate to provide stability and drainage.

ORA2021/026 Unofficial pathway on grass bank between Bridgend Road and Parc Bryn Derwyn.

Recommended – Project Officer/Assistant Clerk to investigate registering this as a permitted right of way. In particular with regards to landowners consent.

ORA2021/027 Footpath north of the newly installed path to the north of Llanharan Cemetery. (PSM53/2)

Recommended - Project Officer/Assistant Clerk to approach RCTCBC to



enquire whether a joint approach/cost share could be agreed to carry out repairs.

ORA2021/028 PSM45A Footpath leading from Chapel Road to Grove Terrace.

Discussed and noted.

ORA2021/029 Diversion application for PSM41 near Brynna House.

Discussed and noted.

ORA2021/030 Consider RAN32/1 at Parc Bryn Derwyn.

Recommended - Project Officer/Assistant Clerk to approach RCTCBC to resolve this obvious mistake.

Recommended - Project Officer/Assistant Clerk to approach the developer to check whether they hold any paperwork from a historical diversion order.

ORA2021/031 Consider PSM32/1 near Gellifedi Road

Recommended - Project Officer/Assistant Clerk to enquire with RCTCBC whether a diversion order was ever submitted and/or processed.

ORA2021/032 Support for Horse access on the proposed active travel routes.

Recommended – That the Community Council actively support horse access and routes regarding any future developments.

ORA2021/033 Sculptures for Brynna Woods and other areas.

Deferred to the next meeting.

ORA2021/034 Benches along A473 to Talbot Green

Recommended – That the Project Officer/Assistant Clerk proceed with the fitting of the 2 benches.

ORA2021/035 Steps in the alley between Bridgend Road and Parc Bryn Derwyn.



Recommended – That the Project Officer/Assistant Clerk approaches the Land registry to discover the due process to claim ownership of the lane and steps so that the Community Council can maintain them.

ORA2021/036 Consideration of allowing existing allotment plot-holders to swap to more desirable plots as they become available before offering to new tenants on the waiting list

Recommendation – To allow existing plot-holders to go onto the waiting list to move plots. However, they must take the next available plot when it is their turn on the waiting list. If they refuse the available plot then they drop to the bottom of the waiting list. Upon taking a new plot they must immediately vacate their current plot.

ORA2021/037 Security bond scheme for new allotment plot-holders.
Deferred to a future meeting.

ORA2021/ Urgent Matters

None

There being no further business the meeting closed at 9pm.

The next meeting will be held on Tuesday 7th September 2021

Councillor Chris Parker
Chair of the ORA Committee
Chair of the Council



LLANHARAN COMMUNITY COUNCIL

Minutes of the Open Spaces Committee, Rights of Way and Allotments Committee (ORA) held remotely at 7.00pm on Tuesday April 6th 2021.

The meeting was held on a remote basis in accordance with the provisions of the Local Authorities (Coronavirus) (Meetings) (Wales) Regulations 2020.

Present:

Councillors Chris Parker (Chair of the ORA Committee and Chair of the Council), Helen Donnan (Deputy Chair of the ORA Committee), Janine Turner.

Co-optees to the ORA Committee Mark Steer and Olie Wicks.

Project Officer/Acting Clerk to the Council and Officer for this Committee. Leigh Smith

Welcome, introductions, and apologies for absence

Councillor Chris Parker (Chair) welcomed everyone to the meeting.

There were apologies received from Councillor Parmindra Pannu and Neil McAndrew.

ORA2021/001 Disclosures of Interests

There were no disclosures of personal and/or prejudicial interests from members in accordance with the Code of Conduct.



ORA2021/002 Minutes

The minutes of the ORA Committee meeting held remotely on Tuesday 2nd February 2021 at 7.00pm were approved as a true and accurate record of proceedings.

ORA2021/003 Progress report on actions arising from the last minutes.

1) Memorial Garden project

Given the apparent expected cost of the project, together with the Garage project, a sealed tender process has been put into place in line with the Council's Financial regulations (Reg 11) and Standing Order 54.

Recommended - Received tenders to be submitted for the consideration of the Council at the next Full Council meeting.

2) Footpath between Enterprise Way and Bridgend Road. RAN 17/5

A scheme of works is now in place and a contractor, Eric Averill has been engaged ready to carry out the work. A formal agreement, approved by RCTCBC has been presented to the landowner of the Bryncae Arms and we are waiting for him to respond subject to his solicitor scrutinising and approving the document.

3) Footpath at Parc Bryn Derwen

The asphaltting of the Parc Bryn Derwen end of the path will be carried out by MT Tarmac in the coming weeks.

The football field end of the path has been dressed by our own maintenance staff.



Soft sections of the path along its length will be dressed with stone. It is not felt necessary or practical to dress the entire length of the path.

Recommended – That soft sections of the path along its length will be dressed with stone.

4) **Improvements to Lighting on Footpath from Parc Bryn Derwyn to Bridgend Road**

RCTCBC have been awarded the work. Estimated completion in May 2021

5) **Footpath to Brynna Woods - Action update.**

The asphaltting of the path will be carried out by MT Tarmac in the coming weeks.

6) **Footpath from Meadow Rise to the north of Llanharan Cemetery**

The asphaltting of the path, together with drainage, will be carried out by MT Tarmac in the coming weeks.

7) **Allotments – General**

- Plotolders in Pendre and Jubilee Street allotments who keep birds were written to in January explaining temporary Welsh Government restrictions and measures to be taken with regards to Avian Flu. The main points of which were to net/cover all areas where birds were kept and to ensure disinfectant was available and used at the entrance to their plots.



Following subsequent inspections towards the end of February, follow-up letters were sent to the significant number of bird keeping plottolders who had not complied with the regulations. This letter warned plottolders that failure to take action as requested may put their tenancies at risk and that a further inspection would take place at the end of March.

Note: Since then the Government has decided that after March 31st 2021 birds will no longer need to be kept under cover. However the use of disinfectant and other measures will need to stay in place.

8) **Pendre Allotment Garden**

A consultation process and survey designed to engage plot holders on the issue of the maximum number of hens that should be permitted per plot holder from 2022 will be actioned later in the year.

9) **Jubilee Street Allotment Garden**

2t stone has been provided and the road into the allotment dressed in order to provide a safe pathway.

10) **Park benches**

5 new park benches have now been purchased. 2 are to be placed at Brynna Fields which will be fitted by our staff and 3 along New Road on the new pavement to the film studios which will be fitted by Persimmon.

This work is still to be completed.

A further 5 benches, also to be sited along New Road will be purchased once the existing benches have been fitted to avoid storage issues.



11) **Drains on footpath to the east of Llanharan Cemetery**

This was reported to RCTCBC in early March. Councillor Roger Turner is chasing completion.

12) **Location of 2 new benches – In layby opposite screwfix and in layby opposite Blakemores.**

RCTCBC highways dept have been contacted to consult on whether locations are appropriate. We are still awaiting a response.

13) **Public ROW RAN31/1**

The owners of Garth Uchaf farm have been contacted to see if a suitable alternative route can be identified on their land to avoid the blocked section of path. An alternative route has been agreed with the landowner.

Recommended - The Acting Clerk /Project Officer to check Land registry documents to ensure the alternative route is on land under the same ownership and to liaise with RCTCBC and the Owner of Garth Isaf to finalise an alternative route.

14) **ROW database**

A central Rights Of Way database is under construction. Councillors and others have inspected numerous Rights Of Way and fed back for further population of the database.

Recommended – The Rights Of Way database to made available to committee members.



15) **Waymarkings/Roadsigns**

RCT Rights Of Way have provided a number of waymarkers. LCC to approach RCTCBC for a discussion on purchasing (or contributing towards purchasing) a batch of highway signs when we have identified a batch to be completed.

16) **ROW leaflets/Factsheets**

A draft leaflet/factsheet to be produced containing information outlining the rights and responsibilities of landowners, RCT, The Community Council and members of the public. To be produced in due course.

A draft leaflet/factsheet to be produced containing information on popular or interesting walking routes around the community. To be produced in due course.

ORA2021/004 Matters arising from the previous minutes.

None.

ORA2021/005 Public Speaking Slot

No members of the public were present.

ORA2021/006 Assisting members of the public who wish to register footpaths as a Public Right of Way.

Recommended – The following process to be put in place:

- i. The Community Council will provide members of the public with the relevant paperwork.



- ii. Members of the public to collect all witness statements and evidence required and to complete the relevant evidence forms accordingly.
- iii. Members of the public to complete 'Certificate 1' (Application for a DMMO)
- iv. The Community Council will check that all evidence paperwork and Certificate 1 is in order.
- v. The Community Council will complete 'Certificate 2' (To certify that the requirements of paragraph 2 of schedule 14 to the Wildlife Countryside Act 1981 have been complied with. ie Landowners have been contacted and served with a 'Certificate 3' notice or alternative). In order to comply, The Community Council will carry out land registry searches and other investigations in order to identify land owners)
- vi. The Community Council will complete 'Certificate 3' (Notice of DMMO application) and provide this document to landowners.
- vii. The Community Council will submit the application to the Local Authority.

ORA2021/007 The steps leading from Bridgend road to Parc View.

Recommended – That the Acting Clerk/Project Officer carry out further investigations both with the Land Registry and within the community to attempt to ascertain the ownership of the steps. Should no ownership be established then the Community Council may wish to apply to register ownership in order that the Community Council can maintain the steps.

ORA2021/008 PSM36 Brynna Gwynion

A discussion took place on the current and ongoing issues with PSM36 and efforts to resolve them.



ORA2021/009 Footpath at Mynydd Coed Bychan

A discussion took place on the current situation with the footpath and ongoing issues.

ORA2021/010 Potential of purchasing the land behind Harold Street.

A discussion took place on the current situation.

Recommended – The Acting Clerk/Project Officer to chase up progress with the relevant officer in RCTCBC.

ORA2021/011 Progress on lighting of the lane from Bridgend Road to Parc Bryn Derwyn.

A discussion took place and the committee was informed that work will be completed by the end of May 2021.

ORA2021/012 Update on Network Rail Working Group meetings.

Councillor Parker reported on current progress.

ORA2021/013 Allotment annual tenancy report.

The committee was presented with a report on annual rental receipts and outstanding rents.

ORA2021/014 Update on Avian Flu measures and correspondence with plot holders.

A discussion took place on current DEFRA measures and Welsh Government regulations and the committee was updated on the results of recent inspections and correspondence with plot holders.



ORA2021/015 Allotment tenancies and waiting list management.

The committee was presented with a report on current occupancy and waiting list rates for the allotments and a discussion took place regarding the effective management of waiting lists.

Recommended – That priority of those added to waiting lists be given in the following manner:

- i. Those living inside the boundary of the Community Council area who are not existing ploholders.
- ii. Those living inside the boundary of the Community Council area who are existing ploholders.
- iii. Those living outside of the boundary of the Community Council area but within 3 miles of the boundary who are not existing ploholders.
- iv. Those living outside of the boundary of the Community Council area but within 3 miles of the boundary who are existing ploholders.
- v. Those living further than 3 miles from the boundary of the Community Council area would not be added to the waiting list.

ORA2021/016 Consideration of barren allotment plots

A discussion took place on the management of barren allotment plots.

Recommended – That RCTCBC and Llanharan Horticultural Society be consulted to see what expertise they have in terms of returning barren plots to a growing condition.



ORA2021/017 Urgent Matters

None

Summary of Recommendations.

2021/003 1) **Recommended** - Received tenders (Garage and Memorial Garden) to be submitted for the consideration of the Council at the next Full Council meeting.

2021/003 3) **Recommended** – That soft sections of the path (Parc Bryn Derwyn to Enterprise way) along its length will be dressed with stone

2021/003 13) **Recommended** - The Acting Clerk /Project Officer to check Land registry documents to ensure the alternative route (RAN 31/1 at Garth Uchaf) is on land under the same ownership and to liaise with RCTCBC and the Owner of Garth Isaf to finalise an alternative route.

2021/003 14) **Recommended** – The Rights Of Way database to made available to committee members.

2021/006 **Recommended** – The following process to be put in place:

- viii. The Community Council will provide members of the public with the relevant paperwork.
- ix. Members of the public to collect all witness statements and evidence required and to complete the relevant evidence forms accordingly.
- x. Members of the public to complete 'Certificate 1' (Application for a DMMO)
- xi. The Community Council will check that all evidence paperwork and Certificate 1 is in order.



- xii. The Community Council will complete 'Certificate 2' (To certify that the requirements of paragraph 2 of schedule 14 to the Wildlife Countryside Act 1981 have been complied with. ie Landowners have been contacted and served with a 'Certificate 3' notice or alternative). In order to comply, The Community Council will carry out land registry searches and other investigations in order to identify land owners)
- xiii. The Community Council will complete 'Certificate 3' (Notice of DMMO application) and provide this document to landowners.
- xiv. The Community Council will submit the application to the Local Authority.

2021/007 **Recommended** – That the Acting Clerk/Project Officer carry out further investigations both with the Land Registry and within the community to attempt to ascertain the ownership of the steps. Should no ownership be established then the Community Council may wish to apply to register ownership in order that the Community Council can maintain the steps.

2021/010 **Recommended** – The Acting Clerk/Project Officer to chase up progress with the relevant officer in RCTCBC. (Harold street land potential purchase)

2021/015 **Recommended** – That priority of those added to allotment waiting lists be given in the following manner:

- i. Those living inside the boundary of the Community Council area who are not existing ploholders.
- ii. Those living inside the boundary of the Community Council area who are existing ploholders.
- iii. Those living outside of the boundary of the Community Council area but within 3 miles of the boundary who are not existing ploholders.



- iv. Those living outside of the boundary of the Community Council area but within 3 miles of the boundary who are existing plotholders.
- v. Those living further than 3 miles from the boundary of the Community Council area would not be added to the waiting list.

ORA2021/016 **Recommended** – That RCTCBC and Llanharan Horticultural Society be consulted to see what expertise they have in terms of returning barren plots to a growing condition.

There being no further business the meeting closed at 9pm.

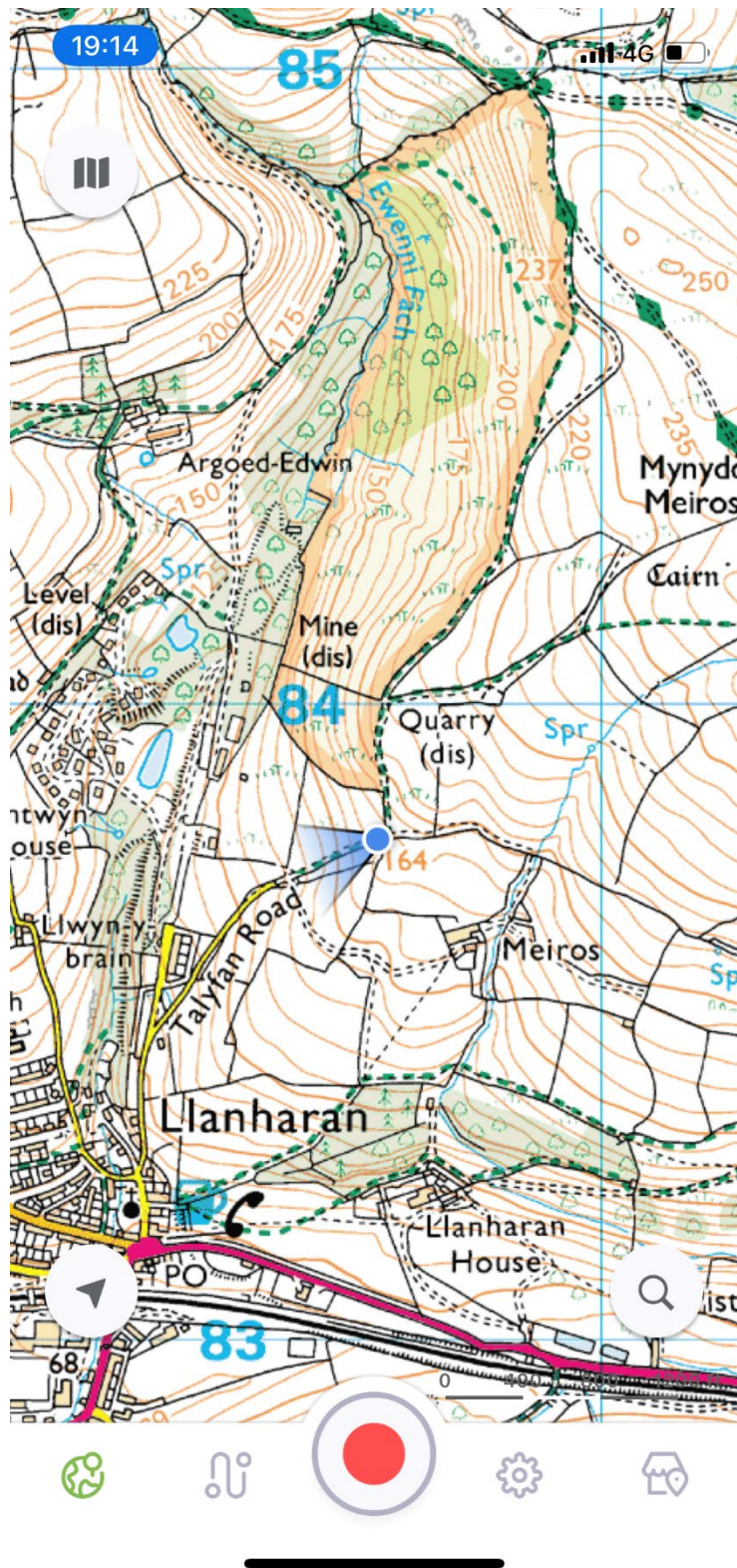
The next meeting will be held at a date to be confirmed.

Councillor Chris Parker
Chair of the ORA Committee
Chair of the Council

Action no	Date added	Category	From	Action	Notes	RAG	Status	Owner
131a		Full Council	ORA	Arrange Bench at Oakbrook and 2 x benches on Brynna fields	New contractor identified. Method of engaging contractor to be resolved.	p		LS
131b		Full Council	ORA	Arrange persimmon to install benches on new road	Speak to persimmon, get their man to speak to Paul/view bench.			LS
2020/232d	19.2.2021	Full Council	ORA	That the Project Officer/Assistant Clerk engages RCT to consult whether the suggested locations (1 - Near the layby opposite the Screwfix building and 2 - Near the layby opposite the Blakemore existing bench) are appropriate, or if they wish to suggest alternative locations.	RCTCBC response - We would not have any objection to the placing of these benches, but it would be in he understanding that future maintenance responsibility for the benches lies with the Community council. This put to ORA June meeting.	p		LS
2020/232h	19.2.2021	Full Council	ORA	That a draft leaflet/factsheet be produced containing information outlining the rights and responsibilities of landowners, RCT, The Community Council and members of the public.	To be progressed once ROW database progress made.	p		LS
2020/232i	19.2.2021	Full Council	ORA	That a draft leaflet/factsheet be produced containing information on popular or interesting walking routes around the community.	To be progressed once ROW database progress made.	p		LS
2021/007	22.4.21	Full Council	ORA	Public ROW RAN31/1 The owners of Garth Uchaf farm have been contacted to see if a suitable alternative route can be identified on their land to avoid the blocked section of path. An alternative route has been agreed with the landowner. The Acting Clerk to check Land registry documents to ensure the alternative route is on land under the same ownership and to liaise with RCTCBC and the Owner of Garth Isaf to finalise an alternative route.	Land registry documents confirm alternative Garth Uchaf route is on the owners land. RE Garth Isaf, RCTCBC are involved in conversations with the landowner there and have requested we wait until those conversations are concluded.	p		LS
2021/007	22.4.21	Full Council	ORA	The ROW database to be made available for members to access and update with suitable controls.	Not started.			LS
192	22.4.21	Full Council	ORA	Waymarkings/Roadsigns RCT Rights Of Way have provided a number of waymarkers. LCC to approach RCTCBC for a discussion on purchasing (or contributing towards purchasing) a batch of highway signs when we have identified a batch to be completed.	ID a batch and recommend to committee Not started.			LS
2020/007	14.4.21	Full Council	ORA	The steps leading from Bridgend road to Parc View. Recommended – That the Acting Clerk/Project Officer carry out further investigations both with the Land Registry and with owners of adjoining properties to attempt to ascertain the ownership of the steps. Should no ownership be established then the Community Council may wish to apply to register ownership in order that the Community Council can maintain the steps.	Owners of no 36 and 37 either side deny ownership/ Land reg show neither own the lane and no ownership can be established online. Decision required - LCC to apply to register ownership??			LS

2021/007	14.4.21	Full Council	ORA	Recommended – The Acting Clerk/Project Officer to chase up progress with the relevant officer in RCTCBC.(Purchase of land behind Harold street).	Response received in May - No decision made yet.	p		LS
2021/007	14.4.21	Full Council	ORA	Recommended – That priority of those added to waiting lists be given in the following manner: i. Those living inside the boundary of the Community Council area who are not existing plotholders. ii. Those living inside the boundary of the Community Council area who are existing plotholders. iii. Those living outside of the boundary of the Community Council area but within 3 miles of the boundary who are not existing plotholders. iv. Those living outside of the boundary of the Community Council area but within 3 miles of the boundary who are existing plotholders. v. Those living further than 3 miles from the boundary of the Community Council area would not be added to the waiting list.	To be codified and distributed to interested parties.	p		LS
2021/007	14.4.21	Full Council	ORA	the management of barren allotment plots. Recommended – That RCTCBC and Llanharan Horticultural Society be consulted to see what expertise they have in terms of returning barren plots to a growing condition.	Not started. No current unlet barren plots.	p		LS

Appendix Three – Condition of the footpath to the north of Talyfan Road.





Appendix Four





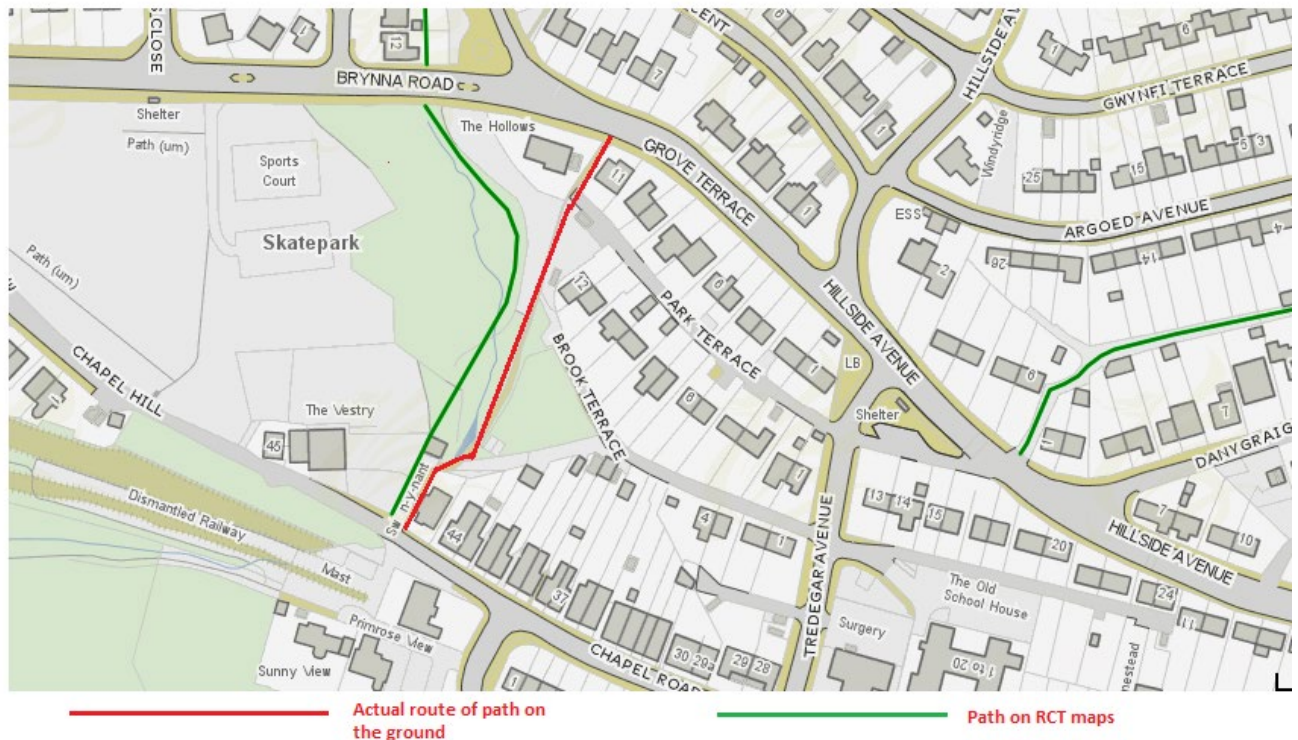
Appendix Five

Footpath to the north of the newly installed path situated to the north of Llanharan cemetery.

Approx 50m surveyed.



Appendix Six



Option 1 – Public Path Diversion Order. (PPO)

A Public Path Order (PPO) can be made to divert or permanently close a path to allow development to take place; to divert a path in the interests of the owner or the public; to close a path if it is no longer needed for use by the public, or to create a new path. Essentially, a PPO is not looking at whether the DMS is inaccurate or incomplete.

If the current route used by the public on the ground differs to the definitive line because the historic / original line is no longer accessible and/or has been unofficially diverted, we would normally recommend a PPO.

Once a public path diversion order comes into operation the public rights will be transferred to the new path and it will automatically become publicly maintainable.

RCTCBC have previously investigated the alignment of the footpath and found that there was a historic path than ran along the route shown on the definitive map and the digital working copy.

There is a £2k fee for a PPO.

Option 2 – Definitive Map Modification Order. (DMMO)

A DMMO can made to correct or update the legal record i.e. Definitive Map & Statement e.g. to add a new path not yet shown, to upgrade or downgrade a path, or where a path has been incorrectly added or positioned. Usually, a significant amount of user and documentary evidence is needed.

Once an application has been received, checked and validated, it will be put out to a pre-order consultation i.e. the feelers are put out to individuals and groups who have an interest in public rights of way, and the applicant is required to set out as far as possible the proposed route on the ground at the time of pre-order consultation.

Based on feedback from the consultation, RCTCBC will decide whether or not to make a diversion order taking into account factors affecting the public's enjoyment of the path, including accessibility, condition, directness, landscape, safety and width.

If a diversion order is made, it will be subject to a 28 day objection period during which time anyone is able to lodge objections or make representation to the diversion of the path. If objections are received and not withdrawn, a diversion order must be referred to the Planning Inspectorate for confirmation.

Project Officer/Assistant Clerk Recommendation - To consider applying for a DMMO on the grounds of cost, and that the path appears to fulfil the criteria for a successful DMMO.

Appendix Seven



Parclau a Chefn Gwlad
CBS Rhondda Cynon Taf CBC
Uned / Unit 7C,
Parc Busnes Hepworth | Hepworth Business Park
Coedcae Lane
Pont-y-dun
CF72 9DX

Fy Nodyn / My Ref:
PSM/41

Eich Cyf / Your Ref:

Dyddiad / Date:
06/04/2020

Dear Sir/Madam

Footpath 41, Peterston-Super-Montem

The Council have received an application to divert the route of footpath 41 ~~Peterston-Super-Montem~~, as recorded on the Definitive Map and Statement under the provisions of the Highways Act 1980.

I attach for your information a copy of a plan, 1:1250 scale, showing the line of the existing public right of way recorded on the Definitive Map (Dashed Pink) and the proposed diversion to the definitive route (Dashed Black).

I would welcome any comments or observations you may wish to make on the proposal. However, if I do not receive a reply within 28 days of the date of this letter, I will assume that you have no comments to make and will proceed with the application accordingly.

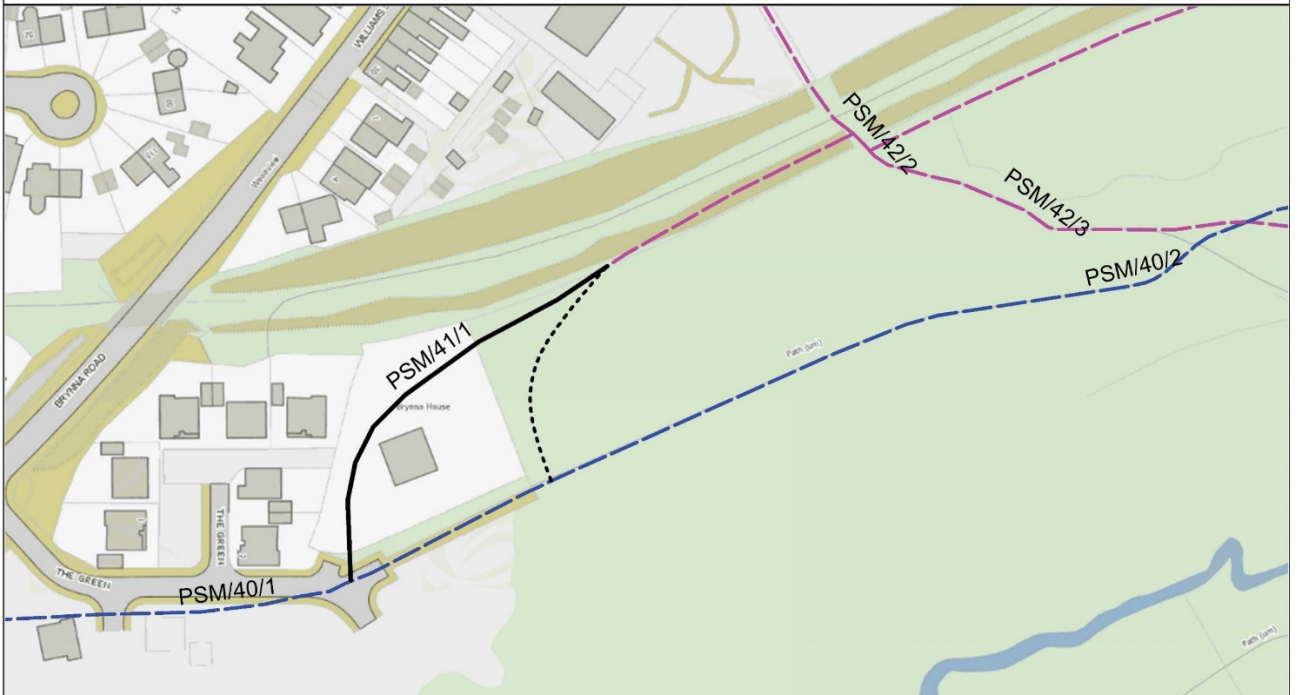
If you have any other queries regarding the above matter or wish to discuss the application further, please do not hesitate to contact me.

Yours sincerely,

Tim Phillips
Swyddog Mapiau Diffiniol / Definitive Map Officer
Timothy.j.phillips@rctcbc.gov.uk

PSM 41

CBS Rhondda Cynon Taf CBC
 Unedau / Unit 7C,
 Parc Busnes Hepworth | Hepworth Business Park,
 Coedcae Lane,
 Pont-y-clun
 CF72 9FQ.



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 (H) Hawfrainl y Goron 2020 OS 100023458
 Additional information: © Rhondda Cynon Taf CBC

- PROW FOOTPATH
- PROW BRIDLEWAY
- PROW BYWAY
- - - Path to be created
- Path to be diverted

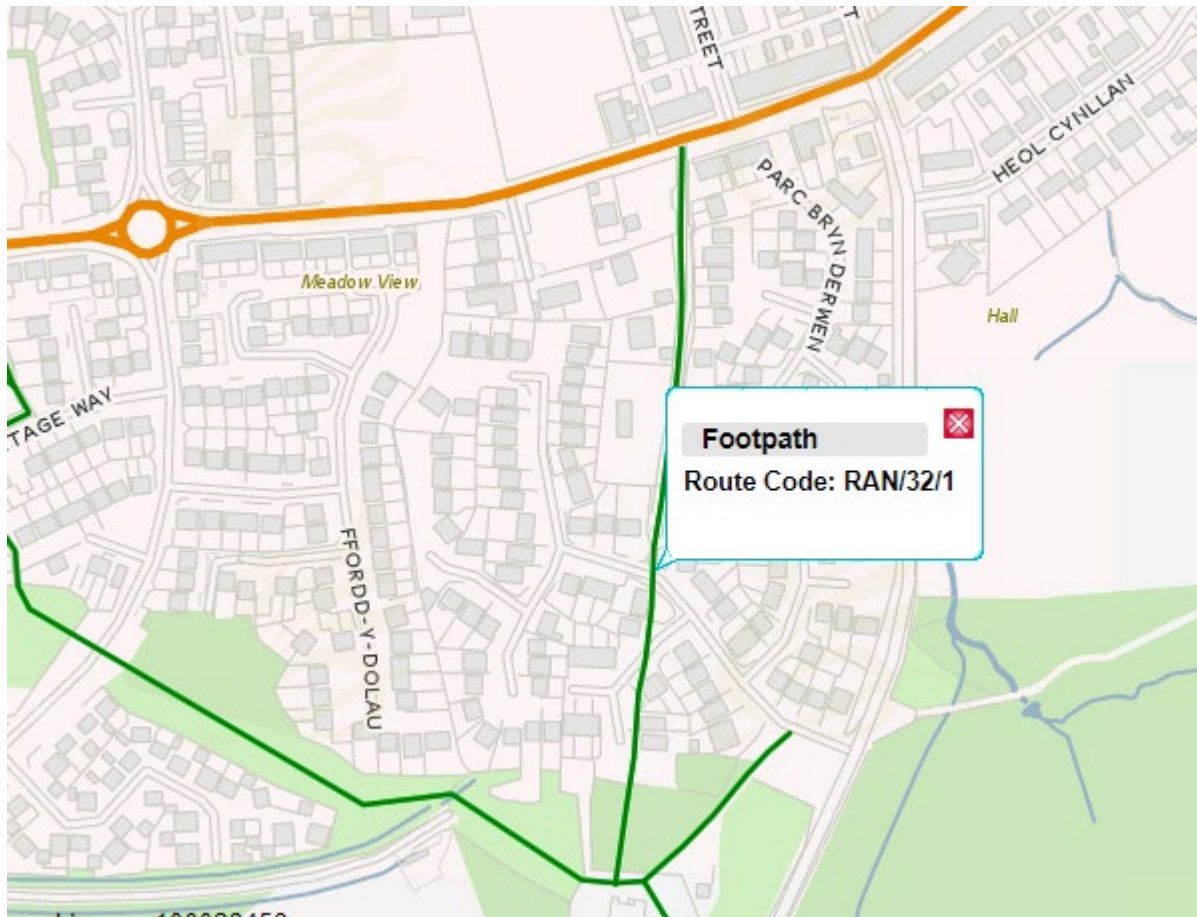
Date: 06/04/2021
 Location: 298.519E
 182.967N
 Scale @ A4: 1:1,250



Ordnance Survey Licence 100023458

Appendix Eight

Route of path RAN 32/1 is incorrect at the southern end.



Appendix Nine

Ref: Councillor Donnan

Photographs of examples of bridges and underpasses suitable for use by equestrians.











Appendix Ten

Ref: Councillor Donnan

Photographs of examples decorative sculptures that could be placed at Brynna Woods and other locations.

The artist, Chris Wood, has ideas for an area to be revamped for Brynna school and the fairy glen area created by children during lockdown. An artist who could also contribute to a village emblem potentially for the village entrance sign(s).







Appendix Eleven

Approximate location of benches alongside A473 towards Talbot Green approved by RCTCBC.

