



PENYBONT UCHAF
LLANWRTYD WELLS
POWYS
LD5 4TN

Councillor Jackie Charlton
By email: cllr.jackie.charlton@powys.gov.uk

9 April 2024

Dear Councillor Charlton

Conversion of the Monks Trod/ Llwybr y Mynaich to a surfaced track

We write further to our letter dated 5 February 2024, receipt of which you acknowledged promptly. Disappointingly, we have received no substantive response at all.

We have, however, seen numerous responses to various others who had written to express their dismay and opposition to the proposed surfacing works. These replies have acquired a certain repetitiveness. We set out below the key points of the Council's position as we understand it to be, together with our further comments.

- "Applying the Levelling Up fund to the Monks Trod as part of the larger Trans Cambrian Cycle links is very important to maintaining and enhancing the byways in Powys to encourage healthy lifestyles and green tourism in the Elan Valley and beyond."

The suggestion that measures to allow an increase in motorised traffic on a well-used foot, mountain bike and horse track is a way to encourage healthy lifestyles or green tourism is absurd. Any increase in trail bikes on a shared track is an additional hazard and noisy intrusion into what is otherwise a highly attractive walking, riding and cycle way allowing users to experience the space and silence of the uplands. Its impact will be to reduce the options for truly healthy activities i.e. those *not* involving the use of internal combustion engines, and to deter green tourism from the whole upland area where the sound of racing engines routinely shatters the peace.

- "The Monks Trod is a byway open to all traffic maintainable at public expense. There are legal rights of access over it for walkers, cyclists, horse riders, carriage drivers and motor vehicles. There is a need to ensure that the byway has a surface that can sustain this use for the benefit of all users";
 - "If the improvement work is not carried out, the temporary restrictions must be lifted";
 - "the Council cannot police the temporary traffic order within its own environmental guidelines".

The answer surely here is to extend to all motor vehicles the existing permanent ban on four wheeled motor vehicles over the track – which leads from nowhere to nowhere other than Claerwen Farm, where there is no public right of way across it at all - and consequently is not used by any form of traffic save for recreational purposes. Notably, in the Welsh



Government's Guidance on Public Rights of Way the Welsh Ministers specifically "commend the use of [Traffic Restraining] Orders to prevent inappropriate use and to protect the countryside where this is necessary and other management measures have failed or have been assessed to be inadequate". The purposes for which such Orders may be made, set out in the Road Traffic Regulation Act, include preventing danger to persons or other traffic using the road, preserving the character of the road for use by persons on horseback or foot and preserving the amenities of the area through which the road runs. All three of these clearly apply in the case of the Trod. Whilst we understand that the Council is barred by a previous Court Order from making further *temporary* TROs restricting two-wheeled motorised traffic from the track, there is no bar to the Council (and Ceredigion) making a *permanent* TRO.

- "The Monks Trod has become degraded to the extent that it is now very difficult for all users to pass. This has resulted in spreading erosion, where users have tried to circumnavigate the worst affected areas, which the proposal will address. The work proposed will be sympathetic and allow recovery of the habitats surrounding the Monks Trod, by creating a well-defined and durable path surface; this will allow users to remain on a single convenient line".
 - "The key to sustainable access for all is undoubtedly through individuals behaving responsibly, whatever their mode of transport";
 - "In other instances improvements to surfaces have succeed in having this effect, namely Water Break its Neck at New Radnor and Pye Corner near Llandrindod";
- "Without the improvements proposed further damage will undoubtedly lead to greater degradation."

With respect, the fact of the ongoing severe damage to the track and surrounding heathlands is precisely why the restriction on motorised traffic of all forms should be made permanent. Off-track damage such as this is not being caused by non-motorised users. These moors are already targeted by illegal users (on both two and four wheels) who will without doubt become more numerous once access to these highly desirable off-road scrambling areas is made easier. Ms Barnes has previously explained by email (in August 2023) that "illegal use both on and off the line of the byway was one of the factors that led the Council to the conclusion that it could not meet the requirements of the Habitat Regulations, when it was looking to carry out work on the route".

Whilst we appreciate the Council's *bona fides* in liaising with user group representatives to support lawful use, there is sadly no realistic likelihood that this will put a complete end to illegal off-track access. Neither of the cited examples of successful track restoration are remotely similar to the Trod. At New Radnor's Water Break its Neck there are substantial hedges and fences restraining off-track access, and at Pye Corner one side is fenced along the length whilst the other side is lower-lying marshy scrub. The Trod, in contrast, gives direct access onto unfenced open heaths on both sides, giving the impression (to those seeking it) that this is wilderness left to fend for itself, and a greater challenge to their riding skills as a result.

- "The Council will need to revisit the detailed Habitat Regulations Assessment that was carried out in 2020 before any work can be carried out."



We agree that a thorough (not merely desk) HRA is essential. But assessing the habitat impact of the proposed works is not enough. But the Council must also take into consideration the impact of additional on-and off-track traffic on the surrounding habitats, which include among other irreplaceable assets some of the few places where curlews can still be heard. The habitats are protected not only because of their fragility but also their ecological importance, and today are under even greater threat as the climate changes, threatening their ability to persist let alone recover from greater degradation. In these circumstances, taking action which will increase the likelihood of further damage to these protected habitats may well breach the Council's duty under section 6 Environment (Wales) Act 2016 to duty to maintain and enhance biodiversity and promote the resilience of ecosystems. The solution is permanently to restrict all forms of motorised traffic from the track, as has already been done for four-wheeled vehicles.

- Any long-term solution to the Monk's Trod will need cross-border collaboration with Ceredigion.

Since the county boundary is barely visible to most track users, we agree that only a cross-border solution is likely to have any impact. We understand from Ben Lake MP that he is unaware of, and would himself oppose, any proposal by Ceredigion County Council to use Levelling Up or any other funds to undertake such reinforcement work on their side of the Trod. Nor have our enquiries of Ceredigion Council revealed any such plans. Consequently, Powys' proposed unilateral action can only exacerbate the damage already being done to the Ceredigion side of the route by providing easier access to illegal motorised use.

A permanent TRO made by both Councils jointly, as already done for four wheeled vehicles, is the right way to resolve this problem once and for all. Incidentally, the determination of illegal off-roaders to go off-road whether or not a well-surfaced track is provided to "allow users to remain on a single convenient line" is even more evident in Ceredigion at the Teifi Pools end of the Trod, where there is ample evidence of motorised vehicles travelling across the heathland despite the availability of surfaced tracks. We can supply photographs if you wish to see them.

Despite your surprising failure to reply beyond acknowledging receipt of our previous letter, we continue to look forward to receiving your confirmation that this proposal will not be proceeding further, as a matter of urgency.

Yours faithfully

Lorna Brazell

Lorna Brazell
Secretary,
On behalf of the Trustees of the Cambrian Mountains Society
Ysgrifenyddes,
Ar ran yr Ymddiriedolwyr o'r Cymdeithas Mynyddoedd Cambria

Cc Council Leader Cllr James Gibson-Watt (by email cllr.james.gibson-watt@powys.gov.uk)
Ben Lake MP (by email carys.lloyd@parliament.uk)