

MINUTES OF A MEETING OF THE RIGHTS OF WAY PANEL HELD IN THE COUNCIL CHAMBER, CIVIC OFFICES, ANGEL STREET, BRIDGEND ON MONDAY, 17 JULY 2006 AT 11.00AM

Present: -

Councillor R M Granville - Chairperson

Councillors

K S Hunt
C J James
G C Lewis

Councillors

K Watkins
H M Williams

Observers:

Councillor M Nott
Mr G J Wheeler, British Horse Society

Officers:

Mr A Green - Transportation and Engineering
Mr C D Lewis - Rights of Way Assistant - Planning
Mr H Batten - Legal Officer
Mr A Mason - Rights of Way Officer
Mr S Clark - Cabinet and Committee Officer

33 APOLOGIES FOR ABSENCE

Apologies were received from Councillor C E Hughes who was on Jury Service.

34 DECLARATIONS OF INTEREST

None.

35 MINUTES OF THE PREVIOUS MEETING

RESOLVED: That the minutes of a special meeting of the Rights of Way Panel dated 12 December 2005, be accepted as a true and accurate record.

36 PROPOSED DIVERSION OF FOOTPATH NO. 3 COMMUNITY OF ST BRIDES MINOR

The Rights of Way Assistant - Planning submitted a report on behalf of the Executive Director - Environment.

Attached to the report was Appendix 'A' showing the route of the existing footpath (black line) and the proposed diversion (hatched black line).

The Rights of Way Assistant - Planning outlined the report in full.

Mr Wheeler (British Horse Society) commented that the benefit of having a site visit before making a decision had been seen today. He felt that the recommendation before the Panel was essentially the same as that put before the Panel some two years previously. He questioned accepting the proposed

diversion given that a footpath was already in existence in the form of a roadway. If the roadway was to become an adopted highway, the legal status and rights of the footpath would be lost along with the amenity of the footpath.

Members agreed that they had benefited from seeing the proposed diversion earlier that day during the site visit. They also felt that they were being asked to, in effect, delete a footpath. Members stressed their desire for a riverside walkway to be provided by the developer that would provide a recreational amenity. It was suggested that a full site meeting be convened before any further development took place that could affect the footpath. In addition, it was suggested that an amendment be made to the permission granted to the developer to allow for a riverside walkway.

The Rights of Way Assistant - Planning advised that Members were faced with a problem in relation to their suggestions given that this development already had planning consent and houses could be built on the site. The developer was obliged to take into account rights of way issues and had therefore proposed to divert the existing footpath. However, there was no obligation on the developer to provide a riverside walkway and the provision of such a walkway was dependent upon the 'goodwill' of the developer.

The Chairperson requested that in the future, Rights of Way Panel meetings be held at the earliest opportunity after planning permission had been granted. He expressed concern at being able to accurately assess rights of way and the lines of footpaths once developers had begun to work on a site, often clearing large sections of land. The Chairperson added that the Panel had powers to stop this footpath diversion and that the previous Panel had already made it clear to the developer (who had subsequently sold on the land to the present developer), that a riverside walkway was required. He realised that this information had been passed-on to the present developer on a number of occasions.

Certain Members questioned what risks there were to the Authority should they insist on a riverside walkway.

The Legal Officer advised that the power of the Panel was a discretionary one and that it did not need to confirm the footpath diversion as proposed by the developer nor confirm the diversion with modifications. The Panel's decision and discretion remained provided that the housing estate being developed was not finished.

The Panel agreed with the Legal Officer's proposal that a short adjournment take place to allow for further discussions between the developer, the Head of Highways and the Rights of Way Assistant - Planning.

The meeting adjourned at 11.37 and reconvened at 11.55am.

The Rights of Way Assistant - Planning advised the Panel that the developer had stated that it was impossible to provide a riverside walkway to the rear of plots 15, 16, 17 and 18 as the back gardens of these houses ended at the riverside embankment. There were also security considerations regarding there being unrestricted open access to the rear of these properties. The developer had taken the conscious decision to begin building work here so as not to block the existing footpath given the rights of way issue that was to be addressed. The Rights of Way Assistant confirmed that the developer had agreed to provide a permissive circular pedestrian route to the north of plots 9, 10 and 11 to the riverside and back to the footpath diversion/Road 1 (as referred to in Appendix

A). In addition, the developer would provide a sum of monies for a pedestrian linkage route at the eastern edge of the Maendy Farm site which will lie adjacent and east of the housing site in question, eastwards to the Westbury housing development located nearby (Ffordd Leyshon).

Members were generally pleased with the agreement reached with the developer. The Rights of Way Assistant - Planning outlined the amended resolution. He confirmed that the Environment Agency had stated in the past that they did not have any objections to a footpath being built in the flood plain at ground level and that having written to the Environment Agency, a response was expected shortly on the Footpath diversion. The Rights of Way Assistant - Planning did not anticipate a problem with the proposed permissive circular pedestrian route to be provided by the developer from the Environment Agency's point of view.

RESOLVED: That the Panel:-

- (1) Give authorisation to make an Order(s) which seeks to divert Footpath No. 3 St Brides Minor to the routes shown on Appendix 'A' with the exception of the diversion along the pavement to the front of Plots 9, 10 and 11, and that if the Environment Agency confirms it has no objection to the diversion of the footpath along the rear of Plots 9, 10 and 11 (route to be identified by the developer), this route shall supersede the pavement route to the front of the plots and shall be included in the Order. If the Environment Agency objects to the path along the rear of Plots 9, 10 and 11 then this option not be pursued. It being noted that the developer agrees to provide a circular permissive footpath to the satisfaction of the Bridgend County Borough Council behind plots 9, 10 and 11 to allow access through the floodplain to the riverside, provided the Environment Agency has no objections to this.
- (2) Confirm whichever Order(s) is made, provided no objections or representations are made within the prescribed period or, if any so made are withdrawn.
- (3) Confirm that the Order(s) omits any section of the diversionary routes which may have been adopted by the time of the making of the Order as it is not appropriate to divert a footpath over an adopted highway.

Following discussion amongst Members, Officers and Mr Wheeler regarding the types of conditions added to planning permissions granted, it was suggested by the Chairperson that a seminar be held in the future for the Panel to be more conversant with its rules and powers.

The meeting closed at 12.15pm.